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BRITISH ARCHÆOLOGY
ITS PROGRESS AND DEMANDS

A. HENRY RHIND.



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BY
A. HENRY RHIND,

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P R E F A C E.

OF the two Papers which are here associated, the first was published three years ago, and somewhat widely circulated: the second has only recently been issued, and it has now been thought desirable to take the opportunity of bringing them together as bearing mutual correlation, being, in short, parts of one argument. It has also been considered, that as they contain most of the facts illustrative of the condition and interests of British Archæological data, it might be of some advantage to afford a certain facility of reference to these in this more consecutive form, at a time when changes likely to exert an important influence, are in prospect or contemplation. The readjustment of all the National Collections, is now a question ripe for final discussion if not decision; the establishment of Local Museums is in regular if not rapid progress; Treasure-trove is the subject of a Bill to be presented next session to the House of Lords by Lord Talbot de Malahide, to adapt the Royal claim as it exists in England and Ireland, to rational scientific purposes; while in Scotland, those charged with the administration of the same Law are about, it is hoped, to utilise it even more efficiently, from

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the peculiarly favourable conditions with which they have to deal.

But if under those circumstances it seems advisable to place in juxtaposition the detailed statements which this volume contains, it is at the same time satisfactory to find it necessary to record changes and improvements, which the progressive appreciation of the capabilities of native archæology has brought about since the first of the following memoirs was published. For example, the British Museum, which so long held back, has within the last two or three years presented, in this respect, a more encouraging aspect. The existing condition of its Room for National Relics, undoubtedly bears witness to a certain and not inconsiderable advance within the period named; and it is most specially to be urged, that when any general rearrangement or extension of that great institution is under review, care will be taken to place this section on such a substantial footing, both in point of space and pecuniary support, as to ensure the development which is surely its due in a *British* Museum.

Again, the Scottish Collection of Antiquities in Edinburgh, has attained its legitimate starting point, and within the next few months will be fully established as national property in the Royal Institution in that city, in virtue of a Parliamentary vote providing for its accommodation and maintenance. Were it necessary, other promising movements might also be indicated.

But however valuable such repositories as those alluded to may be, and however important we may regard the

aggregation of antiquarian relics, it should always be kept prominently in mind that the field from which primeval archæology has most to hope for, is the careful survey and excavation of early remains. To me it seems that the special encouragement, furtherance, and undertaking of such explorations, should be the prime function of bodies incorporated with a view to archæological study, and particularly of that body in England whose position, means, and representative character at once warrant and demand exertion, the Society of Antiquaries of London. Researches of this kind are peculiarly the work for associated energy and conjoined resources, which can best accomplish them extensively and systematically. They are also the essential pabulum, the necessary element of that scientific progress in ethnological inquiry which alone imparts dignity, utility, and solid value to antiquarian pursuits ; and therefore, if Societies existing for the interests of these should fail to direct a due proportion of their efforts to clear the way for an onward march, they may survive as centres of barren co-operation, but their tendency will be to sink into mere embodiments of elaborate triviality, retarding, as cumberers of the ground, the true advancement of the science which they would profess to have in charge.

It will not be understood that by these remarks or in any of the following pages I am contemplating British Archæology as a nursling that requires to be coaxed into factitious importance and the semblance of vitality by props and stays. It is not the complacent countenancing

of their science from a dull sentimentalism that its honest cultivators would ask or want, but simply those educational aids for its development which a just appreciation does not withhold from analogous pursuits. Nor is there any intention to appeal to extraneous feeling by laying undue stress on the national character of the study, for we talk of *British* Archæology as of British Geology or British Meteorology—as the part of one great whole, which it happens to be our province in this country to elucidate and expand. It may be, that directing our eyes to so wide an horizon, we cannot as yet point to satisfactory attempts at generalization as comprehensive as philosophic validity requires, partly from the laborious extent of such an undertaking in its full completeness, partly from the imperfect materials as yet at command, and partly from the, in some measure, consequent prevalence of a too contracted treatment. But of this I am certain, that none will anticipate more hopefully, or estimate more highly the ultimate probable results, than those who may have striven to survey, as far as possible, the whole area over which induction and analysis devoted to this end must range, and have endeavoured to speculate upon the bearings which truths so evolved may have in elucidating the place and progress of races and of Man generically, in the kosmos where he has so long dwelt as the central figure.

CLIFTON, *October 12th*, 1858.

BRITISH ANTIQUITIES:

THEIR PRESENT TREATMENT, AND THEIR
REAL CLAIMS.

F instead of the nineteenth we had lived in the sixteenth, or even the seventeenth century, and had imbibed the ideas then prevalent with respect to past ages, we might have afforded with perfect comfort, because without apparently incurring any serious loss, altogether to neglect archæological relics. For in those days it was the fashion to people the long vista of years, of which these are now justly regarded as the only records, with *quasi*-historical characters, whose names and whose deeds were set forth with dramatic minuteness. In Scandinavia there were Saxo, Petreius, and others, but especially Rudbeck, in whose pages could be found the annals of the country from the days of its first king, Askenaz, the grandson of Noah, downwards. In Ireland Keating and O'Flaherty could tell the year and the day on which the primal antediluvian colonists set foot upon the island; and the same of their successors, after the deluge, with full particulars of their subsequent career! Of Britain, with somewhat more modesty, and with stricter adherence to

classical models, a narrative was provided, beginning with the alleged advent of Brutus and the Trojan fugitives; while every other European country produced similar chronicles,* each nation vying with the other in the extravagance of its claims, as the maxim "*antiquitatem primum et solidum esse præcellentiæ fundamentum*," laid down by Hertzholm,† a Danish writer, who staked the reputation of his own land on the axiom, was tacitly recognised, and universally acted upon.

Had it been our fortune, as I have said, to live in the times when such anile fables—the products of legends and traditions, dignified with the prostituted title of history—were received as truth, we might hardly have cared laboriously to study the scattered vestiges of antiquity, believing ourselves already to possess the story of the past, in some cases, even from the remotest periods of chronology. But now that the development of true principles of criticism has long ago sifted myth from fact, and bounded the province of history by those limits indicated by the existence of written authorities, archæological remains have acquired a very different value, for in them we perceive the only data, and the only source, from which enlightenment can be hoped for respecting the long primeval ages which preceded the dawn of literature in Western Europe. Without them those ages are a blank: with them, and by their aid, we may yet expect to learn

* I have elsewhere adverted to some of these.—Ret. Review, May 1853. Article, "Early Scottish History, and its Exponents."

† The author of a curious and rare little work, almost unknown to bibliographers, *De Præcellentia Regni Daniæ*.

much, if not of the civil, at least of the social, economy of those prehistoric epochs.

It will not be necessary to specify, even were that possible in the space at my disposal, what has already been effected in this direction ; to point simply to modern researches and deductions will be sufficient to show that, although in some cases there may be fallacies in theory, and in others errors in detail, archæologists are in the right track to interpret with accuracy the teachings of the materials at their command, and so to redeem from utter oblivion the memory of vast cycles in human history, which otherwise would bear only the indefinite character of a cosmogonical period. And certainly it will not be urged that labour devoted for this purpose is expended in a worthless or frivolous pursuit ; for when every branch of scientific inquiry, even though descending to the very lowest organisms of creation, is estimated and encouraged, not only for its own value, but as legitimately extending the domain of intellectual conquest, surely, as has been well remarked, that science needs no special defence whose aim is to unfold the early condition of man himself. Hume's* convenient sophism, that "a knowledge of those rude ages could afford little or no entertainment to men born in a more cultivated era," will hardly withstand that more enlarged philosophy which forbids us to cut so summarily the tangled web which time and application may unwind, to rear the superstructure and neglect the foundation—in short, as Camden

* Hist. of Eng., vol. i. p. i.

quaintly phrases it, "to remaine strangers in our owne soile, and forrainers in our owne city."

Nor is it alone those gloomy centuries or rather millenia which lie beyond the reach of even the first faint glimmerings of literary evidence that may be illumined by the judicious efforts of the antiquary ; for as history and archæology meet at a boundary ever fluctuating and variable, never definite and precise, and as the former in its earlier stages is doubtful in accuracy and meagre in detail, it must submit sometimes to correction, but always to assistance from the careful deductions of the latter. "A grave-mound, a lonely circle of stones, a stone implement, a metal ornament excavated from the covered chamber of death, afford a livelier image of antiquity than Saxo or Snorro, the Eddas or the Germany of Tacitus."* Just as, with respect to the East, it is decided that the statements of the Greeks concerning the ancient Egyptians are only to be relied on when confirmed by the testimony of the monuments, so in like manner, it will every day be more fully recognised with regard to the West, that the early notices of classical writers must be subjected to a similar, though unfortunately much less perfect, test ; and, indeed, if, in the case of Britain, we attempt to specify when the objects in question cease to be the best standard for guidance, we shall find that we have told off about one half of the number of centuries which have passed since the birth of Christ. Nor does archæology, in the full significance of the term, fail to supply the truest criterion during any period of

* Guide to Northern Archæology, edited by the Earl of Ellesmere, p. 25.

history ; but this I only remark for the sake of adding the scarcely necessary explanation that my present subject induces the limited application of the word, which will be observable.

If, then, archæological research not only fills up, in some sort, the annals of prehistoric ages, but strengthens and supplements the first feeble rays of history itself, do not the “mute records” which yield such fruits deserve, like the valued muniments of later years, a place in the national regard? Few who take the trouble to give the matter a thought will be disposed to deny it ; but fewer still will be able to understand how it is that “while we collect birds, beasts, and fishes from every nook in land or sea, while we hunt up butterflies and impale earwigs, while we treasure up the marks of an ichthyosaurus in the mud, revel over the eyetooth of a mastodon, and dance in ecstasy over the stump of a river-god’s statue, while we rejoice exceedingly over the sculpture of Mosul or the arrow-headed characters of Persepolis, and gather up Egyptian bricks and African fetish bones—we neglect or disregard all traces of the early fathers of our race, doom to destruction the impress stamped by the stately march of the Romans on our soil, mix up in a metallic jumble all the various and widely different relics left by the ancient conquerors, each of whom transfused his blood into our people, and cramming them into some obscure room of the huge and very costly edifice erected for the benefit of all nations but our own, permit the inquiring foreigner, as best he may, to find out our department of British Antiquities.”*

* *Times*, 1st May 1851.

This final reproach, certainly, in its most literal interpretation, no longer exists, as in 1851 the few native relics in the British Museum were collected from what had previously been their hiding-place, and arranged in the then newly formed "British and Mediæval apartment," to which we may now direct the "inquiring foreigner," but certainly with feelings akin to shame; for he will there behold a room of no very extravagant dimensions, divided nevertheless between national remains and examples of the artistic skill of the middle ages, such as brilliant specimens of pottery and porcelain, which, by the way, stand in singularly inappropriate proximity to the rude efforts in handicraft of the early Britons; while in the portion assigned to these last, limited though it be, the shelves and cabinets present such large unoccupied spaces, that the objects displayed at intervals throughout them serve just to make the blanks more prominent. This, at the outset, would have been unsatisfactory enough, as it would have told of long continued neglect; but accepting the establishment of the section as evidence of a wish to act differently in future, one might have naturally expected shortly to observe marked indications of improvement. If, however, we look for the additions made by purchase during four years, it soon becomes painfully apparent that, except Mr. Cooke's Irish collection, a few specimens from Mr. Crofton Croker's, and some other things, they are hardly appreciable: neither are those which have been presented, probably for the reasons afterwards to be noticed, so numerous or important as might have been looked for; and one quite fails to perceive the justice of the state-

ment contained in the annual accounts laid before Parliament in 1853, that "the additions to the British Collection since it has been placed in the new room are very extensive."

Nor, as affairs have hitherto been managed, can the most sanguine anticipate that, within any reasonable period, the vacant places will be occupied, far less that a national department worthy of the name will be nurtured to a proper growth. I need not enter into details familiar to many, showing how persistently the Trustees have failed to embrace opportunities for securing native antiquities; and the two prominent recent instances of the Faussett Collection and Mr. Roach Smith's, are too well known to require more than simple allusion. With respect to the latter, there is, it appears, some not very intelligible difference of opinion connected with the question of value;* of the former, as no objection of any kind was raised, it has been said with reason, that its rejection was resented "by every Englishman who reflected on the subject,"† and therefore, as presenting peculiarly salient features, I may be permitted, in a single sentence, to recapitulate that, containing, as it does, specimens of nearly every known type of Anglo-Saxon relics, it was strongly recommended to the Trustees by their officer, Mr. Hawkins, and offered to them at an undeniably moderate cost, with the annexed inducement, too, of receiving gratuitously along

* Pamphlet on the subject issued by Mr. Roach Smith, p. 15.

† Mr. Wright's Lecture delivered at Liverpool during the meeting of the British Association, p. 23. Mr. Roach Smith has written to the same effect in the 3d volume of his *Collectanea Antiqua*.

with it another valuable assemblage of similar remains. Urgent representations that the purchase should be effected were drawn up by members of influential corporate societies, but the Trustees refused, negatived the motion of one of their number, Lord Mahon, and on grounds which, as they were enounced by Lord Seymour in the House of Commons, actually stultify the creation of a British section, being quite inconsistent with its design and even existence, they objected to include in their estimates £500, which would have enabled them to acquire this most extensive and unequalled series of national remains, although they did not hesitate to ask Parliament at the same time for £3500 to be expended, it may be said almost exclusively,* on the other sections, besides £2000 under the head of repairs, and £1500 for Assyrian excavations, which in the outlay increased to £2451, making a total, according to the corrected accounts, of £7530 for the Department of Antiquities.† Any one perfectly unacquainted with the Museum, or who had never seen it, and with the foregoing figures simply before him, might perhaps naturally enough surmise, that during previous years the Trustees had acted so liberally towards the British section that they felt

* This inference may be deduced, because a return obtained by Mr. Ewart on the 6th July 1854, shows that in the preceding year only £226:10:6 of the grant had been spent on British Antiquities, and £59:16:6 on Anglo-Roman. This interesting return, being for the year 1853, is unfortunately the only one of the kind that exists.

† See Copies of Reports, &c., on the subject of the Faussett Collection, ordered by the House of Commons to be printed, 9th June 1854; and the "Museum Accounts" for 1854 and 1855.

constrained to allow even so splendid an opportunity to pass ; but the truth is, that while the purchases for the whole Department of Antiquities since the year 1753, when the Museum was founded, have cost, as nearly as I can estimate from Parliamentary papers,* £180,000, or more, the proportion of that sum devoted to the acquisition of native remains (coins being excepted), must have been so infinitesimally small, since most of the few British relics in the section have been presented, that, as an annual average, it would hardly, I believe, bear to be numerically stated. I would not wish for a moment to be understood as imputing it for blame that so much has been spent in obtaining those magnificent memorials of Egypt, of Assyria, or of Greece, which adorn the halls in Russell Street. The error has been, not certainly in procuring these, but in utterly neglecting the humbler, though to us scarcely less important, vestiges of our own land, even after their value had become, as now, universally recognised. Nothing can be farther from my intention than to institute comparisons between their claims and those of any other class of objects which come within the scope of the Museum, because it is not desirable, neither is it necessary, to incur the charge of being guided by that contracted judgment arising from supposed personal predilections, which would exaggerate the value of the one and unduly depreciate the other. The question of securing native antiquities should

* A Return obtained by the late Mr. Hume, and ordered to be printed 2d June 1847, shows the expenditure up to 1846 ; and for subsequent years the Estimates afford data for calculation.

stand, not as a relative, but as an independent proposition. So should it be regarded by the Trustees. So we cannot doubt it would be considered by the House of Commons; and, to revert for a moment to the Faussett Collection, that House where national feeling has ever been the strongest characteristic, which has voted from first to last about £2,500,000 for the maintenance and extension of the British Museum, and which annually grants some £60,000, or, as last year, £75,000 for that establishment, would scarcely have demurred to a comparatively trifling addition for the purpose referred to. It would be unjust in the extreme to suspect Parliament of parsimony in such a matter; and, indeed, it has already placed £100,000 a year at the disposal of the Treasury for contingencies of this nature.* Nor, if we thus remove the case from the sphere of the ordinary estimates, would it be fair to believe, in so far as one has the means of judging, that the Treasury would have obdurately resisted a request from the Trustees, had they preferred it, for Sir Henry Ellis distinctly explained to the late Commission that "the liberality of Government has been so great of late years, that very few purchases of importance for the Museum have been declined which the Trustees have recommended,"†—the purchases alluded to involving, it will be understood, special subsidies beyond the estimated annual endowment.

* This fact was stated in the House of Commons by Mr. Wilson, Secretary to the Treasury, on the 29th of March last, on the occasion of his mentioning that of this fund £12,000 had been allowed to Marlborough House, and £4000 to the British Museum, to make purchases at the Bernal sale.

† Minutes of Evidence, p. 9, Q. 234.

In fact, then, it would appear that the sole cause why British remains are so entirely overlooked, is to be sought in the inadequate perception of their value and interest by the Trustees, or rather by those of them who attend the meetings and transact the business. Except Lord Mahon, who was not at the time prepared to give an answer, only one of the body, Mr. W. R. Hamilton, so far as I can discover in the immense mass of evidence taken by the Commission already named, and printed in 1850, was asked his views respecting a collection of British antiquities. In reply, he said,—“ My own opinion on that subject is, that it ought to be rather for the improvement of the fine arts, than merely as an historical collection of objects” *—thus losing sight almost entirely of the most important characteristic of such relics, which is what may be called their esoteric significance. To look upon them simply as works of art, would be somewhat analogous to regarding the MSS. of the Saxon Chronicle solely as palæographic specimens, and not also and chiefly as historical records. It is proper to add, that Mr. Hamilton honestly concluded his opinion with the *caveat*—“ I may be wrong”—a doubt of the accuracy of his judgment in this matter, which, I think, he may rest assured that few will be disposed to impugn. One cannot but believe, however, that some such idea as that to which he has given expression, has been largely operative, and that it has been created and strengthened by the classification in the department of antiquities of those grand exponents of artistic

* Minutes of Evidence, p. 781, Q. 10,564.

beauty, the noble examples of early sculpture, whose transcendent claims, and those of the attractive monuments of the East, have been allowed completely to overshadow the homely appeals of native relics. These last, subjected apparently to an erroneous standard of comparison, have not been viewed in that light which, by showing them to be the depositories, not only of a national archaic art-history, but of something more, would render manifest how decidedly it is opposed both to duty and prudence to condemn them. I suspect too, that some explanation of the anomaly is to be found in another passage in Mr. Hamilton's evidence, to the effect, that the department of antiquities has been "the worst represented in the Board of Trustees, where," says he, "*they have had no antiquary.*"*

In 1837, Mr. Panizzi reported to the Trustees, with respect to the purchase of "printed books," with which he became then charged, and in laying down the rules by which he proposed to be guided, stated first and most prominently, that "the attention of the keeper of this emphatically British Library ought to be directed most particularly to British works, and to works relating to the British Empire." Now the justice of this principle was of course self-evident, and it met with becoming approval. But had Mr. Panizzi expounded a doctrine exactly the reverse—had he announced that every other branch of literature should receive as much attention, and be rendered as complete as circumstances would admit, while British works should be left to be vica-

* Minutes of Evidence, p. 776, Q. 10,496.

riously supplied by the eleemosynary impulses of private individuals, would such a perversion of common sense have been tolerated for a moment? And yet, *mutatis mutandis*, such is precisely the theory adopted by the Trustees in their management of the antiquarian Department. The singularity, not to say injustice, of this proceeding, will be additionally illustrated by a glance at, for instance, the Zoological department, whose keeper, Dr. Gray, "does not believe that *a single specimen* which the Museum has had the opportunity of purchasing since 1840, which Dr. Gray regarded as desirable for the collection at the price demanded for it, has been refused for want of funds."* How widely different is the history of the section of British Antiquities I need not mention, or further point out how it fares in this "emphatically British" institution.

As the Trustees of the British Museum present a phalanx of names of the highest eminence, whether from "rank, intelligence, or ability," this circumstance might at first sight, as the Commissioners remark in their report, "give assurance rather than promise of the most unexceptionable and, indeed, wisest administration in every department;" but the continued manifestation of such extraordinary perversity of judgment on the subject under review, adds one to the many proofs which those who search for them may constantly find, that even such a Board will commit errors of the gravest character, when perfectly exempt from every kind of corrective influence, and acting under an effete and irresponsible

* Minutes of Evidence, p. 543.

system, which positively, and with the great majority successfully, tempts the members to take no active part in the management. The origin of these mistakes, some of which are surprising even on the part of a body so constituted and so conducted, is not always obvious: as for that now before us, the improper treatment of national antiquities, the cause, as I have already implied, has evidently been the misapprehension of their true value, which first retarded the formation of a British Section, and then, although perhaps somewhat modified after the room was provided, was still sufficiently strong to nurture the fallacy, that the objects in question were not worth the active efforts or expenditure necessary to collect them, but might be left to be furnished by private gifts. Even with respect to any such hope as this, if they ever seriously entertained it, the Trustees might have seen that their own apathy would effectually operate against its fulfilment; for it would not have required any great amount of prescience to foretell, that those who are at the trouble and expense of forming collections, would scarcely be desirous of depositing them in a Museum whose curators practically place so low an estimate upon them.

But can it be anticipated that the evident futility, under existing circumstances, of depending almost exclusively on presents, that the very general dissatisfaction which prevails, and above all, that the obvious impropriety and injustice of the system they are pursuing will constrain the Trustees to begin extending a fair share of liberality to the British Section?—a course, too, which they may follow to a considerable

extent without encountering that cry of "want of space," which from all other quarters constantly meets them; for while every other room in the vast building is said to be full to overflowing, this one has accommodation for perhaps five or six times as much as it now contains. Many, no doubt, remembering the strange prejudice which has hitherto guided the Trustees in this matter, will hardly cherish sanguine expectations of effective spontaneous change, and such would far prefer that the duty of guarding the interests of native remains was no longer left altogether to the option of that body, but that it should be insisted, when the annual grants are allowed, that, just as certain sources of expenditure are at present separately estimated for, so, in like manner, a given proportion should be distinctly specified, which must be devoted to the British Section, thereby approximating it somewhat to the dignity of a Department to which there cannot be a doubt it will eventually attain. Even under the existing constitution of the Trust this could not reasonably be called an infringement of its prerogative; and, as without some provision of this nature we may, if past experience teaches anything, almost despair of seeing native antiquities justly treated, the question deserves attention on such an occasion as voting the supplies, from members of the House of Commons, and particularly from any who might have the influence to procure this slight modification in the form rather than the amount of the estimates previously to their being submitted to Parliament. For the present, it is to be hoped that the keeper of the Department of Antiquities will not be deterred, by the fate of

some of his previous proposals, from doing what may be possible to improve the British Section, for although he is only authorised to spend £5 without the sanction of the Board, the right, inherent in his office, of recommending all purchases, must place a good deal in his power, particularly in cases where no large outlay is involved. If, however, a specific sum were apportioned for the section, his duty would be simplified, and every difficulty removed.

Hitherto what I have written has had reference to the Museum Trust and the British Section as they at present stand; but it is very probable that neither the one nor the other will long remain as we now find them. The former, notwithstanding its self-approbatory manifesto,* addressed to the Lords of the Treasury, in answer to the Report of the late Commission, is universally considered as by no means the most perfect piece of machinery that could be devised for the purpose in view; and although it adopted certain improvements in its mode of administration, which were strongly urged by the Commissioners, the effect has not been such as to render further modifications less essential. This is not the place to discuss the question of changes in the management of this great institution; but that changes are much to be desired, will be very manifest to any one who is at the trouble to examine, in so far as that is possible, the workings of a system under which about £60,000 a-year are spent, according to no very definite rule, with a degree of

* Parliamentary Paper ordered, on the motion of Mr. Hayter, to be printed, 7th June 1850.

secrecy not easily penetrable, and without, seemingly, the slightest responsibility attaching to any one. How long the necessary reform may be delayed, who shall say? But if it does not precede, it will surely be contemporaneous with, that thorough revision of the arrangement of the Museum which cannot fail to take place when the additional accommodation so imperatively required is once furnished. In 1849, Mr. Hallam observed that "it would soon be exceedingly difficult to supply (in the existing edifice) the requisite space for all the collections;"* and even then, the keepers of most of the departments were complaining of overcrowding and insufficient room—symptoms which have since, of course, become very much aggravated in some cases to an intolerable degree, and have only been very temporarily and partially relieved by the occasional building of a new gallery. Thus, for some time, the question of providing for additions has been of pressing urgency, and very lately there were indications of a wish to meet the necessity in some permanent form;† but that the carrying out of such intentions should be retarded, in consequence of the present war, is far from improbable, when public interest is concentrated on the one momentous topic, and when the naval and military estimates have attained dimen-

* Minutes of Evidence, p. 771, Q. 10,430..

† I need not mention particularly any of the schemes talked of, some of which had reference to the building of a new National Gallery, and to the removal to it and elsewhere of some of the present contents of the Museum. At this moment, a new reading-room is in course of erection; but the department of Printed Books will alone, I fancy, have pressure on its space relieved thereby.

sions relatively so enormous. But although the struggle in which the country is engaged may naturally tend to divert attention from such undertakings as that alluded to, it is perfectly evident, from the constant complaints, that in the case of the British Museum, delay can be only very temporary, without involving complete stagnation—an alternative which we cannot imagine is likely to be entertained. At no distant period, then, the inexorable demands of the ever-increasing treasures must be complied with; and whenever any movement to that end appears to be contemplated, it will behove all, now a very numerous band, who ought to plead for the measure, and particularly those whose position and reputation may add weight to their intervention, timeously to make every effort, with the view of having it a recognised feature of any proposal, that it shall include the construction of a Department of British Antiquities, in the words of Lord Ellesmere, “worthy of the nation and of this establishment.”* Nor can it easily be conceived that an effort to this effect would be resisted, for the propriety of collecting native relics is not now likely to be disputed; and it being once admitted that there should be a British Department at all, no one can logically assert that the existing abortion is sufficient. The Commission of 1848 strongly recommended the formation of an adequate department; and even the Trustees, inexplicable as it may seem, were not unfavourable, at least if one of their number, Mr. Hamilton, before quoted, may be regarded as the

* Minutes of Evidence, p. 519, Q. 8146.

exponent of their opinion, as he allowed the importance of the proposition, and thought it would be desirable to carry it out.*

It will be observed I do not advocate that urgency should be exhibited in this matter at an unsuitable moment ; for such a course would neither be prudent nor politic, as questions intrinsically of importance, if brought forward inopportunately, and especially when affairs of the utmost magnitude fill the public mind, are apt to appear by comparison trivial and insignificant. But, as I have said, the occasion seems to be at hand, when, from the inevitable extension of the British Museum, the proposal referred to may be advanced legitimately, seasonably, and with every prospect of receiving due attention. In acceding to it practically, as well as in name, something more will be involved than the mere setting apart of a proper amount of accommodation. Were this the extent of concession, experience shows how little would be gained ; and to produce any results of moment, it is perfectly plain that a reasonable sum for the specific purpose indicated, be annually granted and judiciously applied—in fact, that the full privileges of a Department be not withheld. I do not think I shall be understood as carelessly suggesting any lavish expenditure of the public money ; for a moderate addition to the estimates, having for its object the creation of a National Department of Antiquities, would hardly be so considered by a House of Commons, which, by gradual steps has, in sixteen years, enlarged the income of the British Museum from

* Minutes of Evidence, p. 783, Q. 10,575.

£28,839 to £56,180,* besides special votes. But should it be said—which is scarcely possible, if it be remembered that the wants of such establishments must of necessity increase with their growth—should it be said that the maximum has now been attained, then, according to every principle of justice, let the grant be equitably divided and a fair proportion assigned to a British Department. In other words, were a pecuniary objection raised, the question at once resolves itself into this—should no fraction of the £160,000, or perhaps more correctly £200,000, if we include part of the £79,000 allowed to the Science and Art Department of the Board of Trade, and other grants—should no fraction of this sum already supplied yearly by Parliament for analogous purposes, be substantively devoted for preserving the antiquities of the country which pays the money?

Although the command of sufficient, but not necessarily extravagant, resources is indispensable as the basis of operations, a highly essential concomitant would be the organization of something like a systematic course of action. To offer suggestions on this point, would certainly be premature and perhaps supererogatory. But this much may be said, that a Department of British Antiquities would be sure grievously to disappoint expectation were it conducted after the supine, and not most economical, fashion of trusting solely to

* The sum stated in the regular estimates for the current year, where also appear "£27,520 for the buildings of the Museum, and £4000 for purchases." At its institution, the annual sum granted for its support was £1800.—*Letters on the British Museum*, printed in 1767, page 3.

auction sales or dealers' tenders, without having the power to take successful measures for procuring as many as possible of the numerous relics which, in the progress of agricultural and other improvements, are constantly brought to light in all parts of the country, only too frequently, at present, to be immediately lost or destroyed. We dispatch expeditions to Asia Minor for Lycian marbles, we send to Egypt and Assyria for their antiquities, as with respect to them we are not content (I believe wisely) to abide by the ordinary chances of commerce, and is it too much to request that a certain degree of this care should be extended to our native remains? Nor is it a mere sanguine guess to say that a little exertion properly bestowed would be wonderfully efficacious, for we have the case of Denmark, so frequently cited, to show what fruits may be produced by rational efforts. We find there that the means used, which consist mainly in the direction of a consistent but prudent liberality through efficient channels, achieve results so singularly comprehensive, that Herr Worsaae, who has the very best opportunities for ascertaining, is satisfied that few or no antiquities of consequence are discovered which are not lodged in the government establishment.* And thus it is that in Copenhagen there is a museum, the growth of little more than thirty years, and the product, I will venture to state, of no extravagant outlay, which in extent and value is perfectly extraordinary, as all who have seen it will join me in affirming, and as those who have not will be able better than formerly to perceive by an examination of Herr Worsaae's

* Antiquities of Ireland and Denmark, by J. J. A. Worsaae, p. 9.

recently published illustrations of some of its contents.* It would be inexcusable not to add that this high degree of success is not a little owing to the untiring enthusiasm and courteous urbanity of the gentlemen connected with the museum, who seem to lose no opportunity and spare no pains to farther its interests.

I am certainly not prepared to assert that results so thoroughly satisfactory might be expected in this country, and that, as in Denmark, nearly every waif and stray would be safely garnered; but with the facts above noticed before us, who can doubt that very much might be effected in this direction by exertions of the same nature as those which have been so potent elsewhere. Were these once put forth, we might hope to see a respectable British Department speedily arise, not solely from their direct operation, but also from the assistance of practical antiquaries, who would then know that the British Museum was in earnest on the subject, and who I am certain, would, in very many cases, second its endeavours by depositing, in far greater numbers than hitherto, the objects and collections which might come into their hands, in the national establishment, where, as parts of an extensive series, their value would be best eliminated, and their safety against all chance of future dispersion effectually secured.

As first in importance I have thus far treated of the accumulation of native relics in connection with the British Museum; but a necessary element, or rather a substantive

* Afbildninger fra Det Kongelige Museum for Nordiske Oldsager i Kjøbenhavn.

portion, of any such scheme would obviously be the extending it to Scotland and Ireland, and enabling them also to collect their antiquities. I do not of course contemplate that the department in the British Museum should include those of the three countries, for, having regard to the peculiar circumstances of each, to the legitimate demand for local Museums of all sorts in towns like Dublin and Edinburgh, and especially to the facilities afforded by existing machinery, I think no one will dispute that each country should have the task of treasuring up its own archæological relics.

In Scotland there is already something more than the nucleus of a Museum of national remains in the collection which this Society has formed, and, relinquishing its right of property, has now transferred to Government. In assembling this collection, the Society has had no other extraneous assistance than that supplied by the public spirit of those, not few in number, who have contributed presents; and although forcible statements of its claims for some pecuniary aid from the Exchequer have been repeatedly made, its private funds, which are in no degree commensurate with the ends in view, have never been supplemented from that source. The matter has now, however, assumed a very different aspect. Practically it is no longer a grant to the Society of Antiquaries of Scotland that is in question, but a grant to nourish a collection which belongs to the nation, and to fulfil what I have before attempted to show is the incumbent duty of accumulating the materials constantly in course of being discovered, from which our primeval history may be evolved. To do

this thoroughly, it is true, a regularly organized, though by no means necessarily complex, system extending to the whole kingdom would, as I have said, be required; but so radical an improvement is not, I fear, to be immediately anticipated, and perhaps, as I have already implied, ought not, as a matter of policy, to be urged at the present moment. But even assuming that at no distant period it should be brought about, it would be very reprehensible and very deplorable that, in the meantime, the Scottish Museum should languish, having no funds to take advantage of those opportunities for making acquisitions which might present themselves, or which a little diligence might detect. That this is inevitable in the absence of any endowment I need not point out, for the means which the Society might be able to afford out of its limited income would be exceedingly incompetent; but even were they very much larger, and were the Society disposed to devote them to the purpose indicated, is it reasonable to expect this or any other body to be the only pecuniary contributors for the extension of a Museum which is the property of the nation, and whose claims, besides, to be assisted by public money are of peculiar and indisputable validity? Let it not be forgotten too, that, even under the present imperfect state of things, Scotland alone receives no help from Government to collect her antiquities; for in England the Trustees of the British Museum are at liberty, if they would only choose, to purchase native relics; while with respect to Ireland, the Royal Irish Academy, of which I come now to speak, is in receipt of an annual grant, the whole, or a part of which,

according to its ability and inclination, it may expend in the same manner.

Like the Society of Antiquaries of Scotland, that Academy has been the instrument of bringing together a very valuable assemblage of its country's remains, but under somewhat different, and, in one sense, more favourable circumstances. The pursuits, however, of that body are very various, and not until 1837 did it spend any money on antiquities, or until 1840 fairly attempt the commencement of a museum. Hitherto, as I understand, it has evinced no preferential or decided interest in archæology, and certainly, perhaps of necessity, it has appropriated only a very small and fluctuating portion of its revenue to enlarging its collection.* In fact, from 1837 to 1854 it has only spent, *as a corporation*, £1050 for that object, or on an average about £60 a-year; while its allowances from Government are, and have been since 1815, £446 per annum, in addition, of course, to its private income. The Parliamentary grant, composed of two items, namely, £300 a-year, enjoyed since 1815, and an annuity of £146, dating from the gift of a house in 1788, is applicable to the general

* The members, however, besides the presents of individuals, have on three occasions, to make certain acquisitions, entered into subscriptions, which amounted to £1280—a sort of private tax which Fellows of the S. A. Scot. have also now and again imposed upon themselves. Altogether there has been much meritorious personal exertion and pecuniary sacrifice in securing specimens for the Academy. For interesting information respecting its accounts, which were lately published in an Appendix to its Proceedings, and relative affairs, I have been greatly obliged to the courtesy of Mr. Clibborn.

purposes of the Academy, which, although thereby assisted directly or indirectly to purchase antiquities, has no condition imposed requiring such a destination of any part of its funds ; and so long as this continues to be the case, its fulfilment of this assumed function cannot fail to be intermittent, and therefore comparatively defective. A very favourable opportunity, however, for applying the remedy is probably about to occur, in consequence of a projected change, by which, I am told, it is contemplated to amalgamate, by Act of Parliament, the annuity and the grant, and possibly, at the same time, to raise the sum total of both. It would be unfortunate were Government not to take advantage of the occasion specifically to allocate a proper proportion applicable solely to the purchase of antiquities, keeping it in view, of course, while doing so, to make provision not to cripple the action of the Academy in other directions.

The importance to national archæology of taking measures to enlarge and enrich our museums cannot easily be over-estimated ; but besides weapons, ornaments, and such like, there are other remains that, in Lord Bacon's words, "have casually escaped the shipwreck of Time," which are even more necessary to the antiquary who strives to unfold primitive manners, customs, and history. For while specimens of manufacture afford in themselves intimations of the highest significance, the graves or tombs in which those were frequently deposited, not to speak of the craniological data they contain, are the most marked indices not merely of a people's civilization, but partly of their habits of thought. To these

must be added monolithic erections, dwellings, and hill-forts, which want but the presence of their builders to afford a living picture of the epochs to which they belong. Scattered over the face of the land, those rude memorials are the best exponents of its early condition, but before the march of improvement they are constantly disappearing; and unfortunately, in too many cases, when they do not even interfere with this progress, "the monuments of the barbarian," as Prescott reproachfully remarks, "meet with as little respect from civilized man, as those of the civilized man from the barbarian."* In the present instance, there is the additional aggravation that the barbarians in question were, in the apt language of Dr. Wilson, "our ancestry, even though we may question our lineal descent, our precursors, if not our progenitors."

I do not on this point by any means wish to be regarded as supporting a theses such as Mr. Jonathan Oldbuck might have maintained, for, however sympathies may tend, I cannot argue with those, if any such there be, who are so impracticably fastidious as to inveigh in all cases against the leveling of tumuli, when the necessities of sound utilitarianism render that inevitable. In fact, in those days when Franklin's apophthegm is a received article of public faith, that "he who causes two blades of grass to grow where only one grew before is a benefactor of his country," it would be as futile, as I believe it would be irrational, to attempt to turn aside the ploughshare, and plead that the claims of antiquarian remains

* Conquest of Mexico, p. 45.

are *systematically* superior to the demands of political economy. Whenever any direct antagonism of this nature may arise, the most, I suspect, that can be hoped for is, that a point should be stretched in favour of vestiges of a striking and peculiar character, and that, with respect to others, a little trouble should be taken to preserve any relics that might occur in course of their removal.

In all such cases as those alluded to, conservation will naturally be the exception, and not the rule, and will depend mainly on individual predilections and tastes; nor at best can anything more be reliably looked for. But this very fact, that the course of improvement may be expected every year to diminish the number of those landmarks of the lapse of ages, imparts an additional value to that remnant which the inroads of husbandry cannot reach, and inculcates more strongly the duty of using every reasonable effort to save from wanton destruction what otherwise would be spared. On the downs and wolds of England, on the wild moors of Ireland, among the mountains of Wales, in the highland and pastoral portions of Scotland—in short, in positions to which the plough or the railway will probably never penetrate, ancestral memorials of the character indicated, are more or less thickly studded. Generally, from their enduring construction, they have well resisted the influence of time, and not unfrequently, in consequence of their comparatively inaccessible sites, and from being surrounded by the ancient population who venerated them, they have escaped that wholesale spoliation to which that class of them, compre-

hended under the generic term, tumuli, had been from an early date continuously subjected.* But after having survived those chances, and when, from the nature of the districts where they are found, it might fairly be anticipated that those of a structural character might long stand as evidences of primeval skill, while those of sepulchral origin would be protected, that many of them might in due course afford, by careful excavation, enlightenment and materials for extending archaeological knowledge, it is melancholy, and not very creditable that, in the present generation, they are threatened with speedy annihilation, and are daily falling the prey of idle cupidity, of aimless curiosity, or, more destructive than all, of that common error which recognises them only as legitimate stone quarries. I have already observed that, except in the case of memorials of such marked interest, that it would be downright Vandalism to attack them, we must be content to see agricultural improvement do its work; but,

* Just as on the Continent, especially in France and Germany, as the researches, particularly of the Abbé Cochet and Herren Lindenschmidt have shown, the plundering of early graves was extensively pursued, immediately before and after the rise of the Western Empire—so was it in this country about the same period. The Danes and Norsemen, for example, were much given to this species of pillage; and in somewhat later times, a systematic and legalized spoliation apparently prevailed. Dr. Thurnam, in the *Arch. Journal* for Dec. 1854, has cited from the “*Letters of Eminent Literary Men*,” edited by Sir H. Ellis, for the Camden Society, “a document on the Patent Roll of 17th Edw. II. (1324), in which the privilege of examining six barrows, and some other places in Devonshire, where treasure was supposed to be concealed, is granted to one Robert Beaupel.”

on the other hand, it is a most mistaken and altogether unjustifiable application of utilitarian principles, arising not always from unbecoming parsimony, but generally from want of consideration, to pull to pieces remains standing often on uncultivated ground, where they would not require to be touched, simply for the sake of conveniently obtaining materials for a road or a dyke, which, at slightly if at all increased expense, might be procured from some other source.

Thus, in consequence of being regarded with indifference, traces of primeval human occupancy, even when situated under the most favourable conditions for preservation, are constantly being obliterated. In England, if we turn, for instance, to a midland county, Derbyshire, we find this to be so, by the incidental allusions of a practical antiquary, Mr. Bateman;* or if we look southwards to Devonshire, it is still the same, as a local author strongly deplores;† and indeed every other county, including those of Wales,‡ I may safely say, speaking of some from my own knowledge, and of some from their recent topographical literature, must be classed in the same category. I certainly think, however, that within

* *Vestiges of the Antiquities of Derbyshire*, pp. 48, 76, 84. I have since been told by Mr. Bateman personally, while examining his very instructive collection, that in his neighbourhood the mischievous system was in full operation about forty years ago—rather than recently—as at that time, from the division of commons, stones were wanted for enclosures.

† *Short's Collectanea Antiqua Curiosa Dunmon.*, pp. 32, 33.

‡ The pages of the *Archæologia Cambrensis* afford abundant evidence of the fact; and I would particularly note, p. 29, vol. ii., where some extraordinary recent acts of barbarism are recorded.

the last year or two, a slight change to the better may have here and there resulted from the extending interest in archæological pursuits, evinced in several ways, and among others, by the increase of local societies ; but this change, if perceptible at all, has not been general, and in truth has been little more than infinitesimal.

In Ireland until lately, primeval remains were, I apprehend, comparatively safe from undue molestation, for they were guarded by the harmless but potent spell derived from the position which they continued to retain in the folk-lore of an imaginative people. The influence of superstition, however, is fast on the wane, and in this matter, I should suppose, will soon be thoroughly effete, judging as well from probability as from my own casual observation some months ago, during a lengthened tour which embraced nearly every county in the country referred to. Nor is this any surprising consequence of those changes in population and property which have recently occurred and are still likely to go on ; and perhaps it is one of their fruits which, in a psychological and social point of view, should call forth congratulation. It will, however, involve the necessity of attempting to supply another and more rational safeguard for the memorials in question ; and while the Irish antiquaries will, no doubt, strive as far as possible to gather in the rich harvest that cannot fail to be presented to them, conservative measures should not be overlooked to limit the process of demolition within the bounds actually indispensable. The Irish Archæological and Celtic Society seems disposed to do good service in this direction,

as we read in a recently issued prospectus, that "the Society will endeavour to protect the existing monumental and architectural remains of Ireland, by directing public attention to their preservation from the destruction with which they are frequently threatened." Another antiquarian body in that country, the Kilkenny Archæological Association, has ingeniously essayed to apply to primeval remains an Act of Parliament, which renders the wilful defacing of public monuments a misdemeanour; and it has boldly called upon the constabulary to act accordingly.

As for the antiquarian vestiges of Scotland, they certainly experience no better, and, I fear, even worse, treatment than those of the other parts of the kingdom. In the lowland districts they meet the fate inevitable in a country adapted to cultivation, but to this I do not advert; I refer to that unnecessary demolition now under consideration, to which they are subjected when situated in localities where there is no reason whatever why they should not enjoy complete immunity. That they should so escape is of especial consequence; for in the northern portion of Scotland, British archæologists have good grounds to believe themselves possessed of that which, to their science, is of great value—"an extensive and strictly defined field almost perfectly free from the disturbing elements of foreign art."* But if, though the fact be true, its realization, notwithstanding the protection afforded by the natural features of the country, should prove a mere mockery from the absence of a little care, the result will redound little to the credit of

* Wilson's Archæology of Scotland, p. 20.

those who might have prevented it, while, worse than all, it will be utterly irremediable. And that immediate measures are called for to avert a climax so deeply to be regretted, all who have opportunities for observation, may easily satisfy themselves, for the various destructive influences are fast at work. I need scarcely, therefore, specifically mention how often it has occurred to myself to notice, in districts that are not and never will be arable, traces of "Picts'-towers" and "Picts'-houses," or circles rooted up for the stones which composed them, or the crumbling ruins of cairns gutted to gratify the curiosity, stimulated by cupidity, of idlers from neighbouring cottages. To show, however, how many vestiges are sacrificed in the manner last alluded to, I may instance a locality thoroughly pastoral and of only a few square miles in extent in which I carried on some excavations not very long ago. There I counted three and twenty antiquarian remains of various types, and of these only six had escaped scatheless; the other seventeen, I found on inquiry, having owed their dilapidation, which in some cases was complete, in some only partial, to treasure-searchers and to others who, lounging on the hills, set to work, actuated by a momentary inquisitive impulse, but with perhaps a lurking avaricious hope, which they would hardly avow. All this mischief had been accomplished of late years, and I believe the same remark will, in a certain degree, hold good of most places in the more mountainous portions of Scotland; for, speaking generally, it is only in the present generation, and not altogether even yet, that the memorials in question have ceased to be regarded with popular veneration.

tion or superstitious dread. Formerly these feelings deterred many from the acts now so common ; and not earlier than the beginning of this century, when the stones of Stennis in Orkney were attacked by a stranger, the people living around resented the attempt by burning the house and corn of the aggressor.

Such, then, being the unworthy fate which is rapidly overtaking primeval remains all over the kingdom, even in situations where they might well be spared, it becomes an object of decided interest at once to take steps as far as possible to avert it, for the progress of archæological science, the consequent auxiliary assistance to historical inquiry, and the elucidation of the *prehistoric* annals of the country, are all involved. Much might be effected, perhaps the end in view would be completely accomplished, were Government, directly or indirectly, to exercise a conservative charge, such as exists in Denmark, less efficiently, but with contemplated improvement, in France, and in some of the German States. But although we may trust that at some subsequent period this duty will be undertaken, possibly as a constituent element of an organised system like that discussed in former pages, and although, as the loss is irreparable every day it is neglected, it should always be urged upon the authorities, still the most sanguine need hardly hope that it will be immediately assumed, if they consider the present state of things, and if they moreover reflect how long a probation most reforms have to serve before being officially recognised. With respect to that now before us, it might be well to remember that it

may come too late, and that in some of its aspects it may bear an unpleasant resemblance to the old legend of the sibylline books.

The carrying out of any plan of supervision would be greatly aided were *all* primeval vestiges carefully laid down on the Ordnance map, either by means of conventional marks of understood import, or, if space permitted, by more thorough delineation. Nor would this contingent advantage be all that would be gained, for the map would then exhibit an additional phase of usefulness by furnishing, as it were, an easily consulted index, of immense service in archæological inquiries, which would show at a glance where certain relics are located, or what remains exist in specific districts—a species of information which at present is perfectly unattainable, except by minute and generally impracticable personal research. The Survey of Scotland is only little more than commenced, and therefore offers every facility for adopting this scheme, which, moreover, comes fully within the scope of the undertaking, as any map of a country which professes to be complete should represent, as exactly as possible, the superficies of that country—a condition which would not be fulfilled were the objects in question not faithfully indicated. Mentioning these reasons, in nearly the same words, and others which I shall not stop to recapitulate, I took the liberty of submitting * a statement on the subject, in March last, to the proper quar-

* I was much indebted to the ready and appreciatory assistance of Mr. Traill, M.P., in bringing the matter before the responsible authority, and for furthering in various ways the object in view.

ter, Lord Duncan, the Scotch Lord of the Treasury, as it proved to be, who promised that it should have "all necessary consideration;" and I am pleased to find that the Society has approved of my suggestion, and followed it up by resolving to urge its adoption. I refer to this proposition here, because, pending the decision soon to be arrived at as to the scale, various public bodies will doubtless have the Ordnance Survey under discussion; and as all must admit that its chief design should be the production of the greatest amount of service within the limits of its legitimate action, those bodies would not perhaps object to add the weight of their recommendations, and incorporate, with any representations they may feel called upon to make, the views which this Society has agreed to advocate.*

But to return, in default of Government interference, what other means are at hand to fill in some degree its place for the present, and to act as ancillary to it in future, in the event so highly desirable of its being then put forth? A more general diffusion of rational information respecting native archæology would probably tend gradually to secure for antiquarian remains a more becoming regard; and it would be

* By means of a note I am able to cancel this sentence, for two very satisfactory reasons; first, because the scale has been fixed; and second, because my friend Mr. Stuart, the Secretary of the Society, has just received from the President, Lord Breadalbane, a letter addressed to him by Lord Panmure, in which Lord Panmure expresses his ready compliance with the application mentioned above, announces that he has issued instructions accordingly, and calls upon the Society, the resident gentry, ministers, and others, to assist the surveyors with local information.

well if the opportunities for administering popular instruction on this subject were embraced, not only on account of this collateral benefit which might ensue, but with other and higher aims. For instance, the reproduction, at a comparatively trifling expense, in the Crystal Palace or surrounding park, of a specimen or two of primeval structures (say a dwelling and a tomb), with the relative adjuncts of a few models of contemporary weapons, implements, and such like, while, supplying an attractive addition to the exhibition at Sydenham, would practically teach every visitor at least something of the early condition of his own land—a subject on which at present he has there no chance of becoming informed, although he may make himself perfectly acquainted with the manners which coëtaneously prevailed in Egypt, Assyria, or Pompei. I felt warranted in calling the attention of the Directors of the Crystal Palace Company, last year, at considerable length, to this want; but I regretted to learn in reply that they were not then disposed to follow the suggestion, under the supposition, I think, erroneous, that reproductions such as those indicated would be “interesting only to a limited class of persons.” Of late they have, even from another hemisphere, been increasing their collections; and it is to be hoped that they may yet find a place for a few facsimiles illustrative of the infancy of that country whose maturity could construct a fabric like that on the hill at Penge.*

But although the spread of sensible ideas on archæologi-

* I lately brought forward the subject once more.—*Lit. Gazette*, June 2, 1855.

cal topics may in many ways be aided, and although, as the dissemination of sound views goes on, some reflex influence may be expected conducive to the preservation of remains, its operation would be undoubtedly slow, certainly partial, and perhaps inappreciably slight. In fact, hopes based exclusively upon its supposed efficacy cannot, I fear, be otherwise than visionary and utopian. There is, however, a more direct mode of procedure perfectly practicable—an agent fully equal to the necessity in the power which might be so easily exercised by the landed proprietors of the kingdom. And in this power, be it understood, is implied the duty of exerting it, for its possessors are practically the custodiers of the country's primeval records. Hitherto, with apparently only rare exceptions, they have not, as we have seen, recognised this trust, which is clearly incident to the rights of property, since the owners of the soil cannot but be responsible for the memorials which rest upon its surface; but as national archæology has only of late been studied on principles having for their basis entire dependence on contemporary relics, this neglect is not much to be wondered at, as it is simply attributable to the imperfect appreciation of those vestiges which until recently was universal. Now, however, the time has certainly come for a change, and I do not doubt that if the attention of the class who occupy the position of guardians in this matter were directed to the urgent need for the exercise of their functions which exists—and what more serviceable or legitimate labour could devolve upon the various antiquarian bodies than to do so, each in its own sphere?—I

repeat, were the landowners of the country reminded of this fact, I feel persuaded that, in many cases at least, they would readily and efficiently answer the appeal. Nor in doing so, would they encounter any difficulty. On the contrary a mere *fiat*—a simple expression of the will, on their part—would generally be sufficient to ensure the safety of the primeval remains * on their respective properties, and at all events an order to the bailiffs, ground-officers, or gamekeepers, as the case may be, to see that such wish was respected, would meet every contingency.

Although instances of systematic care are of very unfrequent occurrence, others are not wanting where precautions have been taken for the security of individual monuments; and such commendable departures from the usual custom will be within the knowledge of many. It was satisfactory to observe in the northern newspapers about twelve months ago, that Mr. Baillie of Glenelg, instituted an action in the Sheriff-Court of Inverness, to insist that all the stones removed from the well-known Circular Towers on his estate should be replaced, *in situ*, by a person who, just before, had had the bad taste to carry them away for building purposes; and one would fain hope that, in like manner, the landed proprietors of Scotland and of the kingdom at large, will practically respond to the suggestions of archæologists, and that, while readily allowing every facility for scientific research, they will

* My subject is limited to them, but architectural ruins of a later period, I have often had occasion to know, would also be the better of being included in a protective edict.

exert their authority to save all relics of antiquity from unnecessary sacrifice. How much depends upon this being effected, I have already attempted to state, and should the simple means for its accomplishment not be applied, most deeply will the result be deplored in future years; for experience teaches, that as the world advances in age and intellectual development, there are few retrospective glances more productive of regret to cultivated minds, than those which recal to recollection acts or circumstances that have deprived posterity of the means of penetrating the mysterious but fascinating gloom which enshrouds the past. Is it, for example, necessary to point to the feelings with which any man of intelligence reflects that, at the suppression of the monasteries, archives which possibly would have thrown a flood of light on obscure periods and events in English history, were heedlessly dispersed, sold to "mercantile men," says Bale,* "and torn up in the stead of graye paper;" and that some of the remnant which escaped were afterwards perchance consumed in the fire in the Cottonian Collection? Or shall we look beyond the limits of our own land, and note in what estimation is held the memory of the deeds of Omar, who, in feeding the furnaces of Alexandria, blotted out much of the learning and some of the annals of the earlier ages of

* Dedication of Leland's *New Year's Gift*.—This abominable precedent was followed so lately as the year 1838, and by "the then Chancellor of the Exchequer, who sold no less than eight tons weight of curious documents to Mr. Jay, a fishmonger, at the price of £8 per ton. Many of those have since been purchased at high prices by the British Museum, and by the Government itself."—Brown's *Despatches of Sebastian Giustinian*, vol. i., p. xx.

the world ;—of those monks who, for the sake of the parchment on which they were written, erased the eloquent periods of Cicero *De Republica*, and crippled the history of Rome by effacing, perhaps, a decade of Livy;—of Torquemada, his coadjutors and successors, who committed Hebrew volumes by thousands to the flames, or devoted them to the manufacture of fireworks,* and so, besides what other loss may have been sustained, endangered the accuracy, if not even the existence, of the most cherished of all ancient histories, the Mosaic Record itself;—of Ximenes,† who diligently collected the Arabic manuscripts in Spain, and burnt in one holocaust the literary legacies of an ingenious race, and probably some chronicles of that startling episode the Moorish conquest and settlement in the Peninsula;—of Zumarraga, who gathered from every quarter the painted scrolls of Mexico, “ caused them to be piled in a mountain heap, and reduced them to ashes,”‡ thus frustrating the chance of future interpretation, and so extinguishing, possibly for ever, all hope of enlightenment on that strange anomaly, in itself so striking, and ethnologically so perplexing, the early civilization of Central America? Such are a few prominent, and justly execrated cases in which the advance of oblivion has been aided where its insidious progress should rather have encountered tenacious resistance; and it will be melancholy indeed, if, from want of some attention now, there should, in after times, be coupled with acts like

* Marsh's *Michælis*' Introduction, vol. ii., p. 244.

† Prescott's *Ferdinand and Isabella*, p. 363.

‡ Prescott's *Conquest of Mexico*, p. 32.

those, the careless destruction of the muniments of primeval Britain.

While advocating a change from the present supineness on the part of Government, which is passively productive of so much detriment to national antiquities, it is curious to notice, that the only existing measure, having any relation to them, which bears the stamp of legal authority, is actively mischievous, and the cause of, it may be said, unmitigated evil. I had not intended to advert to the law affecting "Treasure-trove," as its provisions have been so frequently discussed, and discussed only to be invariably condemned; and the allusion to it here is merely to express surprise, that, notwithstanding the strong feeling against it, which has once and again been evinced, no practical course seems to have been followed with the view of obtaining its alteration.

It is true, that in the event of any systematic collection of relics being undertaken, it would be well that Government should, with respect to those casually discovered, have some controlling power similar to that employed in Denmark; but the arbitrary enactment on our Statute-book does not approximate to the required character. No doubt it has lately been interpreted in a spirit which countenances the assurance held out by some, that the liberality of the Treasury in the mode of applying it may be confided in; * but this fact will hardly diminish its pernicious influence, as the class who chiefly become amenable to it will infallibly resort to their present secret and destructive method of disposing of the objects which

* Arch. Journal, vol. x., p. 350.

may fall into their hands, when there is any chance of uncertainty or delay in remuneration by compliance with the law.

Although I am not of those who expect *extraordinary* benefit to flow simply from the repeal of this Act, I have seen quite enough of the manner in which it operates to feel satisfied that, in the absence of a more definitely liberal legislative arrangement, its complete abrogation is necessary to remove one of the greatest incubi with which archæological research has to contend. And as this conviction is very general, if not quite universal, it is to be hoped that some Member of Parliament, perceiving the merits of the case, will take steps in the matter, especially as the law in question evidently, from the way in which it has been construed, remains intact more upon sufferance than from any decided wish to uphold it, and because there is every reason to believe, according to the opinion of a very competent authority, who was himself the head of an Administration, that the present, or indeed any Government, would throw no obstacle in the way of a private Member who might introduce a Bill for the desired purpose.

THE LAW OF TREASURE-TROVE

HOW CAN IT BE BEST ADAPTED TO ACCOMPLISH
USEFUL RESULTS ?

BY

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F.R.S. LOND. AND SCOT., ETC.

“ Save and recover somewhat from the deluge of time.”

BACON'S *Advancement of Learning*.

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PREFACE.



ESIDES the more immediate cultivators of any given branch of intellectually productive research, there is the much wider class including them, in common with the whole intelligence of a country, to which the efficient advancement of their pursuits is a matter of interest, as forming a unit in the general sum of scientific progress. It is hoped, therefore, that the title of this pamphlet will not be interpreted as if it were addressed solely to Archæologists; for its design is to invite to the subject reviewed the practical attention of any of those into whose hands it may fall, who look hopefully forward to the increase of knowledge in its various spheres—who mark the increasing tendency to aid this onward march by facilities and powers which a Government only can command; and who, when such means already exist or are employed, would desire that these were directed so as to secure the most fruitful accomplishment of their end.

Further, although the question here discussed is, on the present occasion, limited, in its application, to Scotland, it should be regarded as of more than merely local importance. Apart from the circumstance, that the peculiar conditions of the Northern portion of the island will render its ancient vestiges of very special significance in any comprehensive scheme of Western Archæology,—apart altogether from this consideration,

those who would wish to see the antiquities of the whole country generally, turned to the best account, will, it is trusted, readily forward an attempt to apply a promising system of control to one part of the kingdom where rights and practices already operative thoroughly smooth the way, and where its establishment would afford experience and a precedent for any subsequent endeavour to extend the principle, modified as peculiarities might demand, to England and Ireland.

MALAGA, 15th *January* 1858.

THE LAW OF TREASURE-TROVE:

HOW CAN IT BE BEST ADAPTED TO SUBSERVE
THE INTERESTS OF ARCHÆOLOGY?¹

N the prospect of the Scottish Museum of Antiquities being transferred, now at no distant date, to a suitable establishment under Government care, and fairly assuming its place as a national institution, the time seems not inappropriate to revive the examination and discussion of the existing operation of the law as it affects the discovery of native relics, and so bears upon the important question of the growth of a national collection. It is usual to speak of the present legal restriction as the Law of Treasure-Trove, and under this name every one familiar with archæological investigations has been accustomed to hear it condemned, and its complete abrogation often advocated. Practical inquirers have so frequently found that the species of terrorism, which it bears in the popular eye, has had a hand in dooming to secret destruction, or scarcely less fatal concealment, so many objects not more precious intrinsically than ethnographically, that a tendency has, perhaps naturally, sprung up to regard this law as the bugbear of Antiquarianism.

I am not certain, however, that, amid a very universal denunciation, its nature, and the relative circumstances among which it works, are generally understood or considered; and I think that, by way of preliminary, it may not be unnecessary to define how the royal rights are at present exercised in Scotland in the case of ancient relics.

¹ Communicated to the Society of Antiquaries of Scotland.

In the first place, there is the Law of Treasure-Trove, properly so called, by which the finders of objects of the precious metals are obliged to cede them to the Crown or its donatory. This ancient feudal prerogative is of almost universal application throughout Europe. In England it is, I believe, the sole legal provision held to relate to the discovery of antique relics; in Scotland it is included, and swamped in a broader claim. Whether with us it could be strictly maintained to refer to all articles of gold or silver, might perhaps be open to question, as jurists define the word *Treasure* in this connexion, *vetus depositio pecunie*,¹ which, if any force be given to the true meaning of the word *pecunia*, might not, by stringent interpretation, include such things as armlets or fibulæ. But any doubts that might be raised by a verbal gloss of this kind, are merged in the more comprehensive allegation of the royal rights already alluded to.

The doctrine of the Civil Law, "*that which is the property of no one, belongs to the Crown*" (*Quod nullius est sit domini regis*), forms a part of the jurisprudence of Scotland, and the officers of the Crown, applying it to antiquarian relics, require that all such of every kind and material be considered *inter regalia*, and delivered up accordingly. Hoping, as I do, that this sweeping claim, if subjected to a crucial test, would be found valid,—because, by circumscribing the whole subject of Trover within very narrow limits, it affords great facility for dealing satisfactorily with the question,—still I am bound to confess that, on consulting the authorities, to be sure with an unprofessional eye, I am not led to so very positive a conclusion, and it seems to me that the point is perhaps rather indefinite. Assuming the Crown to claim relics under the principle *Quod nullius est*, it is presumed it must be by classing them as *waifs*. Now, the term *waif* is very comprehensive, including things relinquished by their proper owners,² and this, *apparently*, would apply to the objects in question; but is it quite clear that things carefully set apart and devoted for a solemn and

¹ Craig, *Jus Feudale*, i. 16, 40.

² Compare Stair, ii. 1, 5, with i. 7, 3.

specific purpose, such as urns with the ashes of the dead, and the other accompaniments of primeval sepulture, must find a place in this category? Let us take a case: Supposing a sepulchral cairn to stand, as they frequently do, in the middle of an outfield pasture, the owner of the soil would doubtless be surprised were he told that this cairn was "the property of no one," and the Queen's Remembrancer would probably decline undertaking to define it as *res nullius*. Now the landlord, or his tenant, with his authority, desires to build a cottage, and the cairn offers itself as a convenient quarry. The dogma that a man may do what he likes with his own, assumes a development unfortunately not uncommon; and tier by tier the ancient landmark is pulled to pieces. Presently the central chamber or cist is reached, and as it does not seem to be contemplated that any one can step between the land-owner and his right to use the sides of this the outer coffin of stone as lintels or gate-posts, why may he not knock the bottom out of the inner coffin of baked earth, the urn, and convert it into a chimney-pot for his cottage—turn the bronze celts, if any, to account for securing the rafters—and imbed the flint arrow-heads in plaster to form a zigzag ornament over the fireplace? All were parts of one whole; all were equally "relinquished by their proper owners," but with an idea, and in a sense very different from relinquishment; and especially does it seem difficult to make any distinction between the urn and the cist, the one sometimes absolutely forming a portion of the other.

On the other hand, it might be argued, that while any successors of the deceased occupant of the cairn survived, they might vindicate their title to keep it intact as to its contents, but that when any such no longer existed, and all memory of the event was lost, the heap must be regarded as so much soil, while any objects that might be discovered within it are *res nullius*, and so at the disposal of the Crown to demand possession of whatever it may deem worth rescuing.

With regard to implements, utensils, or weapons exhumed from the vestiges of primitive dwellings, like the *weems* and

Picts'-houses, or those similarly discovered in casual situations, it could hardly be disputed that the designation *waiif* would most fully comprehend them, and the royal right to them would seem to be unimpeachable. Nor, with reference to relics associated with sepulchral deposits, am I, upon the whole, disposed to think that the result would be found different if the test were applied; for although I have suggested a hypothesis which might appear to place the matter in some doubt, I apprehend that the opposite argument, which I have stated thereafter, would be ultimately maintained. But whatever speculative difficulties of this kind might theoretically present themselves, I cannot find that any have been made good, or even urged, against the royal claim. Neither, so far as I can learn, has the direct demand of the Crown been in any case resisted on the plea of the possession of a grant of the royal rights. Charters ceding to the donatories this privilege over certain lands, do, I have been told, exist in Scotland; but one would fancy that they cannot be numerous, and if any there be applicable in this manner, they have not hitherto, as I have already said, been opposed to the requisitions on the part of the Crown. Thus it is that, at the present moment, every ancient relic exhumed in Scotland, from a bone pin to a gold torques, is held to be at the disposal of the Lords of the Treasury. I have endeavoured to state the legal formula by which this becomes the condition of affairs, and I shall now explain how the law is carried out, and with what results.

It is enforced through the Procurators-Fiscal of the various counties, by the Queen's and Lord Treasurer's Remembrancer for Scotland, at present Mr. Henderson, to whom I am indebted for much friendly information on this subject, and for the perusal of Reports, addressed by him, from time to time, during the last ten or twelve years, to the Lords of the Treasury, respecting the disposal of objects recovered in his official capacity.

I do not know whether the Procurators-Fiscal have—and I rather think they have not—special instructions to include, among their ordinary detective functions, a due watch over the

discovery of objects of antiquity in their districts, and to act accordingly upon any well-grounded rumours that may reach them. But when, from information that he may receive, usually through the public prints, the Queen's Remembrancer directs them to obtain possession of any specified *find*, it is their duty to do so, and transmit the objects to him. In this way, in the course of the past twelve years or thereby, there have been secured—I write from memory, but I believe accurately—not more than fifty *primeval* relics (one or two of precious metal), being the product of perhaps eight or ten separate finds. This, from the definition I have employed, will be understood as exclusive of a few hoards of coins, and some comparatively modern articles, half-a-dozen silver spoons, and a watch, for instance, which, being ownerless, likewise fell to the Crown.

And here it is proper to add, as well for the sake of the precedent as to show the disposition which exists, that in the case of some of the objects above referred to, gratuities have been allowed to the finders on the proposition of the Queen's Remembrancer. These may not have been considerable, but as nothing of the kind is contemplated by the law, the fact is worthy of being borne in mind, as exhibiting an inclination to view the question fairly and rationally.

With regard to the destination of the ancient relics thus claimed *inter regalia*, it is the natural custom that the Lords of the Treasury adopt the suggestions contained in the reports of the representative officer who has just been named; and I think I am correct in saying, that in every instance his recommendation has been to transfer them to the Scottish Museum. Any exceptions there may have been, were in one or more cases where several objects, perhaps of the same type, having been discovered together, a specimen or two had been allotted to the finder or the owner of the soil, as it happened. Coins likewise have been similarly dealt with, when in the hoard there were many of the same mintage. The Scottish Museum received a selection, and some were distributed to the British Museum, local collections, or otherwise.

It will thus be seen that, at the present hour, the Scottish Museum, it may be said, alone reaps the fruit of the royal right over antiquities ; that practically this right exists solely for its benefit. The transition is therefore simple and direct to the question, How can the law be adapted to serve most efficiently the end to which it is actually directed ? It is of course evident that the relics now recovered are a small proportion of those really exhumed throughout the country ; but, granting that so many as they are, by so many is the national collection enriched, it remains to be answered, Do not the ultimate aggregation of native relics, and the chance of their preservation, suffer by the existence of a law which, without being accompanied by due means of supervision, detection, or reward, stimulates to secrecy by claiming unconditionally from a finder whatever search or accident may have brought into his hands ? Having had opportunities of seeing a good deal of its evil influence in this respect, I was prepared, on a former occasion, to urge " its complete abrogation in the absence of a definitely liberal legislative arrangement." But recognising, as I think every one must, the infinite superiority of the latter alternative, if adequately effected, I shall proceed presently to point out how the existing provisions of the law in Scotland may be so adapted that, as I venture to hope, every advantage may be secured which can be reasonably expected from so valuable an aid to the nurture of a collection of native antiquities, as a central controlling power over the discovery of relics. It need hardly be premised that ideal perfection in the action of such a power would be the obtaining possession of, and adding to one elaborate series, for scientific study and public instruction, every object illustrative of the Archæology of the country as it was exhumed. The most deplorable fate which can overtake such vestiges is of course destruction or loss ; the next worst is their falling into private hands, where their ultimate safety must always be precarious ; and where, even in the rare instances in which their teaching is appreciated and turned to good scientific account, they may be accessible only to a few, with difficulty or prohibitory trouble on

account of the locality of the owner's dwelling, however liberally disposed he may be, and with limited or no facilities, from the absence of surrounding correlatives, for forming a comparative estimate of their peculiarities. Nor need it awaken the accusation of entertaining a morbid desire for centralization, if it is pointed out that the same remarks hold good of minor local public museums. It may be true that such institutions might, with advantage, eventually receive illustrative specimens for educational purposes, by judicious selection from the accumulations in an extensive and united national collection, which must ever be looked forward to as the only source for, primarily, the attainment, and, sequentially, the dissemination of sound knowledge in this department of study.¹ But to grant the prudence of such nurturing from a parent stem, is very different from saying that each and all district museums, however numerous, should be allowed the chance to gather what antiquities they may within the circle of their several radii; or, worse still, from any part of the country indiscriminately, as the caprice of donors might suggest, or accidental circumstances bring about. These primitive products of human handiwork, unlike the other chief constituents of many museums which come from the great laboratory of the Creator, cannot, without constant risk of confusion, be dealt with as duplicates; for while Nature, with constant reproductive power, builds up each species or genus with a multitude of units, each exactly after its kind, Man, much more, untutored man, subject to external influences, and struggling on in his early career, works with no such permanence of expression, with no such identity of design. Therefore, the vestiges he leaves behind him are, severally, the fragments of one national record, individually as the mirror of individual capacity, collectively as the reflex of collective status,

¹ Before leaving England, I was unable to procure a copy of the late Mr. Kemble's Address on *The Utility of Antiquarian Collections*; but knowing, as I do, how thoroughly he appreciated what was to be expected from them, and how industriously, by means of his ready pencil, he strove to possess himself of their quintessence, I have no doubt that he has ably developed this branch of the subject.

progress, or retrogression. They are in truth connected hardly less closely than the characters, figurative, symbolic, if unfortunately not also phonetic, of a hieroglyphic inscription; and for such remains to find a place in little groups, or at random in glass cases, all over the country, severed with no hope of junction—this, if fully developed, it is scarcely an exaggeration to say, would have met with a parallel had the Tablet of Abydos been secretly dissected in the Temple where it stood, and the separate cartouches distributed to the puzzled scholars of Europe.

Although, then, the prime desideratum would be, to add to *one* long if often inevitably dislocated sequence, each scattered element of the primeval records of the country, as it came to light, it might be too sanguine to hope that any practicable legal provisions would accomplish this result to the fullest possible extent. For, it would not be a matter of course to bring the fortunate labourer always to acknowledge, that he had no more right to a golden ornament which his spade chanced to disclose a few feet down in a peat bog, than to his neighbour's cow if he found her quietly grazing on the surface stratum. Nor might it be a uniformly successful attempt to persuade all antiquaries real and antiquaries sham to regard a little smuggling in antiquities as among the deadly sins.

But a certain percentage of failure is, we know too well, incident to all laws, fiscal, administrative, and even criminal: the aim can reach no higher than to reduce the proportion to the minimum. With regard to any law for securing archaeological relics, this end is only to be gained by making it at once reasonably seductive and compulsory by infusing a fair degree of liberality, combined with a uniform power of enforcement, and an adequate method of supervision. This, I repeat, can, it seems to me, be thoroughly accomplished by certain modifications of, or grafts upon, the present legal provisions operative in Scotland—changes not affecting their existence or constitution, but simply systematizing the details of their action. In the other parts of the kingdom, the subject un-

fortunately is not so easily approachable, and would require a much more radical treatment. There the royal right is limited to Treasure-Trove—to articles of the precious metals—while that is frequently traversed by manorial privileges, which again divide, with simple ownership of the soil, the title to minor antiquities. These complications—the long neglect of native antiquities by the British Museum, now happily, if as yet too narrowly, in course of amendment—and the growth, especially in England, of some important provincial centres, which are already highly valuable accumulations of archæological data, make the question of organizing a public control in that country and Ireland, over *all* relics exhumed, one requiring careful investigation from the various circumstances to be considered, and the somewhat involved ramifications to be dealt with. From not being as yet sufficiently acquainted with the machinery which could be put in motion, I do not feel competent at present to offer any properly-digested scheme of this sort, applicable to the case of those more extensive divisions of the kingdom. It would be very true to say that such a plan in the abstract, as carrying out the principle already inculcated, would be very desirable; but this would be tantamount to saying nothing, unless details were given defining its outline, demonstrating its practicability, and proving whether it was likely to be so far successful as to render its adoption preferable to the entire removal of inefficient restrictions, which will always peril rather than aid the safety of exhumed antiquities in the aggregate. Although no such comprehensive basis as in Scotland is ready to be turned into a satisfactory general system of action, and would require to be created, yet it is worthy of due inquiry whether it would not be more in accordance with the ultimate interests of Archæology to make this the object to be sought for, rather than be content to urge simply the remission of all restriction, allowing native relics to have the ordinary commercial chance of finding a refuge where and how they may. As I have already said, I do not feel at present in a position fully to enter upon this aspect of the case, nor would this be the oppor-

tunity to do so ; but it will not be out of place to observe that exaggerated expectations are frequently entertained of the number of valuable relics which would be saved from the crucible by obtaining what is called free-trade in antiquities. Those who have practically had occasion to investigate the circumstances usually attending such affairs, know very well that dread of having his prize wrested from him by the officers of the Crown is far from being the only reason which induces many a discoverer to doom his golden *find*. He is commonly a labourer or a small cottar, probably in an out-of-the-way district. He may or may not know of the royal right, but he has an impression that the landlord might require possession to be ceded to him ; or he wishes to keep the matter quiet, so as to have a hopeful search, all to himself, in the vicinity of the lucky spot ; or he has the natural feeling not to publish his piece of good fortune, any more than he would proclaim the amount of his deposit in the Savings' Bank, or of the little hoard in the corner of his chest. Do what he can, some rumour of the discovery will probably circulate in the neighbouring village or hamlet, which, under a proper method of supervision, might perhaps reach ears that could turn it to good account, but which, with the free-trade system, would speedily die away fruitless, as no one, even if he chanced to be a person that cared, could insist upon answers to inquiries. And thus the object or objects, concealed very likely for a time (many months, as I have sometimes known), are eventually sold, it may be, to a passing pedlar, to a watchmaker, not probably in the *nearest* town ; or the finder may send them to a friend, or personally convey them, for disposal in one of the large cities, usually to the pawnbrokers, or to working-jewellers. It is sufficiently likely that in the course of time many of those buyers would ascertain that, instead of melting down relics which might come into their hands, it would be more profitable to try and obtain the extravagant fancy prices which collectors, as well public as private, are sometimes disposed to give ; and it might even happen eventually that in some instances this inducement would operate direct upon the

finders. But from what has been said of their usual motives for secrecy, it is very evident that their general policy would be a quiet sale to such middlemen as have been indicated, or a covert transporting of the treasure, if considerable, to one of the large towns: and so, in one way or the other, the relics would come into the market scarcely even with evidence of authenticity, almost certainly with no trustworthy account of the circumstances in which they had been discovered, probably with no definite specification, except a suspicious assertion of the locality, perhaps country, where they had been procured; and therefore they would be deprived of any higher scientific utility or significance than if they had been manufactured yesterday in Birmingham.

Before proceeding to the suggestions for rendering the law affecting antiquities in Scotland thoroughly effective and successful, which its nature fortunately admits of, it will be of interest to look for a moment to the state of matters in the country (Denmark) where national Archæology has received the most careful nurture, and where native vestiges have been the subject of the most anxious efforts to preserve and collect them. During a visit to Copenhagen, more than six years ago, I had opportunities of seeing somewhat of the system practised there, and still more of recognising the advantages of its extraordinarily successful results in the matchless museum in Christiansborg Palace. More recently, while considering what improvements of this nature might be brought about at home, I begged my friend, Herr Worsaae, whose name is so honourably associated with Scandinavian research, and who is, besides, officially connected with its furtherance, to give me some details of the mode of procedure now employed in Denmark. These, copied from a letter of his, which goes fully into the subject, with the constant readiness to aid the advance of Archæology, which characterizes him, I shall here subjoin, believing that the information cannot fail to be acceptable and useful.

“Under the Minister of Public Instruction there is a *Chief-Director of the Royal Museums*, at present the ‘Grand Maré-

chal de la Cour.' As far as concerns the antiquities, there are under him *two inspectors*, who form a sort of commission for the preservation of all the antiquities of the country ; the one is inspector of the museum (Mr. Thomsen), the other is inspector of the antiquarian monuments all over the country (Mr. Worsaae). They are quite independent of each other in their peculiar branches, only, in cases of great importance and common interest they report together to the Chief-Director.

"The Museum receives its additions partly by our law of Treasure-Trove (by which the Crown claims objects of the precious metals, becoming bound to pay the finders their bullion value, and under certain circumstances more), partly by buying, but mostly by private donations. It has proved very effectual that the names of the donors are regularly published in the official newspaper ; and it has been of equally great use that visitors are conducted about in the Museum, and that by illustrative verbal explanation the most interesting antiquities are rendered intelligible and attractive to them. Attached to the Museum are the archæological archives containing rubbings and sketches of monuments and antiquities from the whole kingdom.

"The inspector of the antiquarian monuments has to go over the country, or at least a part of it, every year to look after the memorials of past ages ; and the plan for preserving them is—

1. That the Government, in selling estates belonging to the Crown, reserves for itself all the most important monuments ;
2. That the large landed proprietors in a good many cases follow the example of the Government in excepting interesting vestiges from sale, which they even often give up to the Government or the public ;
3. That the Government buys antiquarian monuments which belong to small proprietors, and which otherwise would be destroyed ;
4. That the churches, all of which, to a certain extent, are under the management of Government, are carefully inspected and examined, to prevent bad restorations and destruction of interesting monuments ;
5. That smaller monuments, which are exposed to destruction, are removed to safe places, and, where it is necessary, restored. In some cases, where

they have no connexion with the special history of the localities where they stand, they are conveyed to the Museum at Copenhagen ; Finally, it is natural that the antiquities which the inspector may collect during his official excursion, are to be given up to the Museum.

“ I may mention further, that the Government very frequently allows the inspector to send artists to take sketches of monuments, to discover and restore church paintings, &c. ; and it must be added, too, that the Ministry of Public Instruction, with great liberality, supports the inspectors against all sort of indifference, and sometimes stubbornness on the part of the civic and other authorities.”

Reverting now to our own country, although we may be hopeless of seeing, for some time to come, so careful a system of supervision of its ancient vestiges, yet I venture to believe that, by a few simple changes in the existing operation of the law, some of the chief fruits would be secured to us which the Danish method produces. The alterations, or rather developments from which I should expect such a result, I shall embody in a short series of propositions, each followed by some remarks explanatory of its design, but not necessarily pointing out the manner in which it would connect with, or fit upon, the present practice ; for this will at once suggest itself and be readily perceived by any reader of the foregoing pages.

1. THAT THE PROCURATORS-FISCAL SHALL RECEIVE *specific instructions* TO EXERCISE SYSTEMATICALLY THE ORDINARY VIGILANCE OF THEIR OFFICE FOR THE RECOVERY OF ALL RELICS FOUND IN THEIR DISTRICTS ; AND THAT THEY DIRECT THE COUNTY POLICE TO ATTEND TO ANY RUMOURS OF SUCH DISCOVERIES, HOWEVER APPARENTLY TRIVIAL, WHICH MAY REACH THEM IN COURSE OF THEIR PERAMBULATIONS, TO MAKE ALL DUE INQUIRY AS IN CASES WITHIN THE USUAL ROUTINE OF THEIR DUTIES, AND TO REPORT TO THE PROCURATORS-FISCAL ACCORDINGLY.

The importance will be immediately apparent of taking advantage of so direct and comprehensive a cognizance as a body like the rural police, always moving about in their districts, can so easily undertake,—especially now that their numbers and

efficiency are to be increased by the Lord Advocate's recent bill. Nor need it be objected that any arduous addition to their or the Procurator-Fiscal's labours, would be made by adopting the above proposal; for we should begin to think that their vigilance was about to produce a great harvest for Archæology if each county yielded an annual average of four cases of the recovery of ancient relics.¹ And here I would wish to direct marked attention to another service of the same nature, and strictly within their province, which the rural police could also render with scarcely an appreciable increase to their work, and which I have not incorporated in the foregoing proposition, as being extraneous to the subject of Treasure-Trove. While we cannot be too anxious for the safe garnering of exhumed relics, we must not forget that the advance of archæological study is quite as much dependent on the sepulchres in which these were primarily deposited being reserved from careless overthrow for careful exploration by competent observers, and on the preservation of the other structural vestiges of the past, which bear the impress of man's habits, thoughts, and culture more trenchantly manifested, than the lesser products of his handiwork. I have elsewhere exhibited more fully the spoliation and ruin under which these valuable memorials are constantly suffering mutilation and diminution;² and it is to aid in averting this destruction that the county constabulary could, in a sufficiently simple manner, do a very great deal. Let it be their instructions, whenever they hear of or see any persons treasure-searching among lonely mounds, quarrying in cairns, carting stones from ruins, in short interfering in any way with ancient vestiges how insignificant soever these may be,—let it on all such occasions be their duty to inquire of the workers whether they have the authority of the proprietor of the ground, and to report to him *in all cases* the

¹ Small and unambitious though this number may seem, were even it reached, it would represent no less a gain than the recovery each year of what might fairly be estimated as three or four hundred separate objects.

² *British Antiquities: their present treatment and their real claims*, pp. 30, et seq.

fact along with the answer received, at the earliest opportunity, just as they would at present inform him of the pulling down of his dikes or the rooting up of his hedges. It no doubt would sometimes happen that he had granted permission for some good or bad reason, and not unfrequently he might, spontaneously, care very little about the matter ; but on either supposition, much more where a different disposition prevailed, the circumstance of a regular report, acceptable to many by recognising a direct responsibility in others, would involuntarily beget the necessity for some sort of decision which, in the majority of instances, there cannot be much doubt, would be of the desired character. To make the county police thus available would require no more trouble than a circular letter to the Superintendents or Procurators-Fiscal from the Crown Agent or the Home Secretary, as it may be,—and no more expense than the cost of printing it.

2. THAT THE PROCURATORS-FISCAL SHALL *immediately* TRANSMIT ANTIQUITIES RECOVERED BY THEM TO THE QUEEN'S REMEMBRANCER, ACCOMPANIED BY A DISTINCT SPECIFICATION IN ALL CASES OF THE PRECISE LOCALITIES WHERE, AND (WHEN POSSIBLE, WITH ACCURACY) OF THE CIRCUMSTANCES UNDER WHICH THESE WERE FOUND : AND THAT THE QUEEN'S REMEMBRANCER SHALL *at once*, ALONG WITH THE ORIGINAL OR A COPY OF THE FISCAL'S REPORT, HAND *all* THE RELICS TO THE NATIONAL MUSEUM—EXCEPT IN THE CASE OF A LARGE HOARD OF *duplicate* COINS, WHEN A SELECTION OF THE BEST MAY ONLY BE GIVEN TO THE MUSEUM, BUT ACCOMPANIED AS BEFORE BY THE FISCAL'S REPORT AND BY A CORRECT CLASSIFIED LIST OF THE WHOLE NUMBER DISCOVERED.

The chief design contemplated here is to bring all antiquities that may be recovered, under direct archæological notice without loss of time, so that in cases where sufficient information was wanting in the Fiscal's report, or very special details seemed peculiarly desirable, there would be an opportunity, while the circumstances of the find were fresh in memory, to communicate with some competent person in the neighbourhood. The second part of the proposition provides simply that the system, already practically in force, of placing *all* relics in the National Museum,

shall be permanently fixed ; for although, as we have seen, the present Queen's Remembrancer, in his recommendations to the Treasury, has acted on this enlightened view, successors would not necessarily follow the precedent. Besides, much trouble, various applications for allotment, and some irritation, would be saved were the destination of relics definitively predetermined, not to speak of the importance, previously discussed, of insuring their collocation beyond all doubt.

3. THAT THE ACTUAL FINDERS (AS DISTINGUISHED FROM THE OWNERS OF THE GROUND OR EMPLOYERS, BOTH OR EITHER AS SUCH) SHALL BE ENTITLED TO RECEIVE AT LEAST *the full bullion value* OF THE RELICS WHEN OF PRECIOUS METAL, AND *more* WHEN THE OBJECTS ARE OF MARKED INTEREST, OR SPECIAL CIRCUMSTANCES RECOMMEND SUCH A COURSE ; THAT FOR ANTIQUITIES OF OTHER SUBSTANCES THE FINDERS SHALL BE ENTITLED TO A *fair compensation* TO BE DETERMINED—AS WILL ALSO BE THE AMOUNT OF ANY REWARD ALLOWED IN EXCESS OF BULLION VALUE IN SUCH CASES AS HAVE BEEN INDICATED—BY THE QUEEN'S REMEMBRANCER, IN CONSULTATION WITH THE SECRETARY OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND.

There can be no doubt that, even with the most perfect conceivable system of supervision, the finding of ancient relics must, in the nature of things, frequently occur under such circumstances of accidental solitude as to render the maintaining of perfect secrecy by no means difficult, and so frustrate legal provisions if solely compulsory. This especially applies to objects of gold and silver, from the facility of converting them into money simply in the ratio of their weight ; and if we are to have a reasonable prospect of securing these, at least as great an inducement must be held out as the hidden destruction of them offers. The discovery of such valuable heirlooms, at all times (within the range of reliable accounts) comparatively infrequent in Scotland, is now, I believe I am justified in saying, exceedingly rare ; and there is very little room to neglect a chance so palpable in its bearing, of rescuing what data of this sort, no less attractive than suggestive as the embodiment often of the higher efforts of contemporary art, may yet be turned up by the plough

or the spade. In Denmark they recognised the necessity of adding the seductive element by infusing into their law of Treasure-Trove a constituent of the nature projected in the foregoing proposition, and the result shows with what decisive effect ; for we are assured, on the most satisfactory authority, that now few or no antiquities of consequence are brought to light which are not secured for the Royal Museum.¹

Much of the same reasoning would apply to relics of other substances, but their material removes one chief source of competition or reduces it to a point so little attractive that the chance of secret destruction would hardly have to be contended against ;—although I certainly once did ascertain, unfortunately after the fact, that a large hoard of bronze objects had been sold as old metal at the rate of twopence a pound. It is true that the finders even of the humbler class of antiquities, could they transport them to Messrs. Lotheby and Wilkinson's saleroom, would, in the case of rare types, receive back returns which might induce them to think that London air transmuted the baser metals into gold. But in the rural districts, where discoveries usually are made, no systematic traffic—I am alluding especially to Scotland—in fact no traffic at all except in some cases, that arising from the *douceurs* of a local collector—may be said at present to exist ; and for the most part, the relics of invaluable material are speedily in the way of being lost, or, if capable of being adapted for any purpose of common utility, are often appropriated accordingly. The offer of a fair compensation, not dealt out too parsimoniously, for vestiges of this kind, would, therefore, in conjunction with reasonable supervision, seem to meet every present requirement ; and even were there no question as to the providing of funds, I should hesitate to urge that, in every county town, a Government officer should hold out for urns, celts, arrow-heads, swords, an extravagant premium according to a scale deduced from the precedents afforded by the avidity of collectors at a London auction. Such

¹ *The Antiquities of Ireland and Denmark.* By J. J. A. Worsaae, p. 9.—*Trans. Royal Irish Academy.*

a ready market and such profits would prove a direful stimulus to a more extensive spoliation of ancient tumuli, and likewise would speedily produce a plentiful crop of spurious counterfeits. Already the demand has originated this manufacture in England, although an inferior ingenuity, whose efforts cannot always pass muster, has only as yet been engaged in it. By and by artistes of higher capacity, whose performances will better defy detection, will enter upon the field. In France also the fabrication of primeval relics, I believe, goes on ; for I remember seeing in a *rococo* shop in Avignon even two years ago, some very suspicious examples, and in a similar *boutique* in Lyons, a whole array of rampant forgeries. In short we hardly need to remind ourselves that whenever there is a ready outlet for antiques at prices immensely greater than the intrinsic value of the material, then a vile imitative activity is soon at work. Thus Italy is deluged with impostures, a climax to be expected from the artistic faculties of her people ; but the same temptation, though not as yet productive of such clever specimens of roguery, is no less diligently responded to by the Mohammedan *fellahs* of Egypt notwithstanding their former inexperience, and the texts in the Korán decrying attempts at designing, at least from the life.

No doubt estimates fixed according to law, would entirely fail to keep down prices in the face of an antagonistic, even if unauthorized, demand proceeding through available channels, but in the very limited operation of such, for all practical purposes there is no reason why an unnecessarily gilded bait should be legally constructed. In other words, if we cannot smother, we need not absolutely anticipate by creating, the temptation ; and in the meantime, ere seductive influences attain any seriously detrimental proportions, which I confess I would not expect in Scotland under a system of control such as has been sketched out in these pages—let what harvest of relics there is be gathered in without adding to the risk of impurity, and before it is likely to be intermixed with the spuriously plentiful weeds, which a too bountiful application of stimulants would infallibly produce. The

desired object I believe then would be best attained by awarding a "fair compensation," not, however, with a too niggard hand, which would entirely defeat the design, but with sufficient liberality to be encouraging and even to appear handsome in most cases to the recipients, although by no means approaching the extravagant sums¹ which have been alluded to. With reference to deciding the amount of the remuneration, I have suggested the association, with the Queen's Remembrancer, of a representative of the Society of Antiquaries of Scotland, simply because the latter, being engaged in antiquarian studies, and being in constant intercourse with others devoted to different branches of the same pursuit, would be in a position to give, on short notice, an opinion as to relative value, and generally to advise from the archæological point of view.

And now as to the funds necessary for carrying out this plan. Frequently and not unnaturally when any scheme involving the outlay of money is brought under the notice of Government, a preliminary difficulty is at once started on the score of expenditure. But in the present instance, the demand is so moderate, not only as the sole subsidy for the extension of a now national Museum, but as a substantive item, that an objection on this ground could hardly with gravity be urged against it, were the principle of action admitted to be good. Taking the past twelve years, had every primeval relic recovered for the Crown been paid for in the manner proposed, the average annual charge might probably have amounted to five pounds. But assuming, as is earnestly and reasonably to be hoped, that the systematic mode of procedure we are advocating would bring in more numerous fruits, a sum varying say from twenty to fifty pounds

¹ The distinction I would draw will be better understood by mentioning in figures some of those evidences of antiquarian competition—satisfactory in themselves as showing the increased estimate of, and interest in, native Archæology. Five pounds or more for a good bronze sword; two, three, or more guineas for a single celt of rare form; £13 for a pair of bronze shell-shaped brooches; £30 for a bronze trumpet; £75 for the beautifully worked case of an early Christian bell—are prices which of late have prevailed at the sales of Mr. Crofton Croker's, Mr. Dick's, and other collections.

a year would most likely be sufficient, save on very extraordinary occasions, as rare as they would be welcome. Already, as we have seen, rewards have been occasionally granted to finders from *some* public source, perhaps in part arising from the sale of certain modern articles recovered by the royal right, or otherwise at the disposal of the Lord Treasurer's office—and this fund may, or may not, for anything I know, be able to sustain the additional slender draughts which are proposed. But if, from pre-arranged destination, it could not be so elastic as to sustain a so moderate and not even fixed demand, surely the Treasury would, on fair representation, not be besought in vain to warrant so inconsiderable a charge to be defrayed from the Civil Contingencies Vote. Had the Museum of Antiquities been still the property of the Society of Antiquaries, I would have said, in the last resource, if Government absolutely refused to furnish the pecuniary element,—put the machinery in motion to collect native relics, which will cost nothing, and the Society will strive to continue on fresh ground the struggle which for more than seventy years it has maintained in forming its collection, and will guarantee to make good, by subscriptions or from its funds, the necessary expenditure. But to take advantage of the enthusiasm in its pursuits of a scientific body, and to saddle it with an outlay for the extension of a museum, the property of the nation, a Government institution,—narrowing in consequence that body's resources, and therefore retarding, by so much, its efforts, would be a proposal too unjust and unreasonable to be entertained.

4. THAT WHEN THE FINDERS OF ANTIQUITIES SHALL VOLUNTARILY AND SPEEDILY DEPOSIT THEM IN THE HANDS OF THE PROCURATOR-FISCAL, OR SHALL IN LIKE MANNER INTIMATE THEIR DISCOVERIES TO A CONSTABLE WITH THE SAME OBJECT, THEY SHALL *ipso facto* BE ENTITLED TO *more* THAN THE BULLION VALUE FOR RELICS OF PRECIOUS METAL, AND TO A MORE LIBERAL SCALE OF COMPENSATION FOR THOSE OF OTHER MATERIALS, THAN UNDER CONDITIONS OF ORDINARY DETECTION: AND THAT IN CASES OF STUBBORN DENIAL, CONCEALMENT, OR ATTEMPTED DESTRUCTION *after* INQUIRIES HAVE BEEN INSTITUTED BY THE PROCURATOR-

FISCAL, THE FINDERS SHALL SACRIFICE THEIR *right* TO THE BULLION VALUE, THE AMOUNT OF ANY REMUNERATION THEY MAY GET BEING DETERMINED ACCORDING TO THE CIRCUMSTANCES, BY THE QUEEN'S REMEMBRANCER, WITH HIS ASSESSOR AS BEFORE MENTIONED, WHILE IN AGGRAVATED CASES COMPLETE FORFEITURE SHALL ENSUE.

This is merely a natural pendant to the preceding proposition, embodying conditions of reward and loss calculated to make it more fully effective. With regard to the former, referring to what has been said on the subject of counterfeits, the Procurators-Fiscal would be cautioned to guard against imposture, and doubtful objects on reaching head-quarters would be submitted also to experienced scrutiny. I do not, however, apprehend any risk from attempts at deception when no extravagant temptation is held out: for, a rogue, with only the hope of a moderate gain, would not often desire to commit himself so far as to make to an official, who is also the public prosecutor, a statement,—which would be necessary to accomplish his purpose,—describing minutely the spot where and the circumstances under which spurious relics were alleged to have been found.

5. THAT ALL PAYMENTS TO FINDERS OF ANTIQUITIES SHALL BE MADE WITH *the least possible delay*, THROUGH THE PROCURATORS-FISCAL, OR BY DIRECT REMITTANCE FROM THE QUEEN'S REMEMBRANCER.

It is unnecessary to insist upon the importance, in the general scheme, which this provision would possess. With many of the class to whom it would, in all probability, chiefly apply, the chance of immediate payment, by an irregular sale, would turn the scale against the prospect of, it might be, a higher but unknown, and indefinitely postponed remuneration. Therefore, it would be a decided object to arrange that, invariably, the fewest possible number of days should elapse from the time the relics leave the hands of the discoverer until his money takes their place.

6. THAT BY *previous intimation* TO THE QUEEN'S REMEMBRANCER, OF AN INTENTION TO UNDERTAKE CERTAIN SPECIFIED EXPLORATIONS, ANY PERSON, BEING ONE WHO HAS THE RIGHT TO EXCAVATE ANCIENT

REMAINS, EITHER AS THE PROPRIETOR OF THE GROUND, OR AS HAVING RECEIVED PERMISSION FROM THE PROPRIETOR, SHALL BE ENTITLED TO RETAIN WHATEVER RELICS HE MAY SO DISCOVER, ON CONDITION OF TRANSMITTING TO THE SECRETARY OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND, WITHIN FOUR WEEKS AFTER THE CONCLUSION OF THE EXCAVATION, A DETAILED LIST OF THE RELICS, WITH AN ACCOUNT OF THE CONDITIONS UNDER WHICH THEY WERE BROUGHT TO LIGHT, AND THAT, ON THE REQUISITION OF THE SAID SECRETARY, ON BEHALF OF THE SOCIETY, TO BE FURNISHED WITH ACCURATE DRAWINGS OF ANY OF THE RELICS FOR RETENTION, OR, WHEN THEY ARE NOT TOO FRAGILE FOR CONVEYANCE, TO BE ALLOWED THE USE OF THE RELICS THEMSELVES FOR EXAMINATION OR EXHIBITION—THE EXCAVATOR SHALL COMPLY WITHIN FOUR WEEKS AFTER RECEIPT OF SUCH REQUISITION; FAILING WHICH COMPLIANCE, OR FAILING THE TRANSMISSION, WITHIN THE PROPER TIME, OF THE DETAILED LIST AND ACCOUNT PREVIOUSLY STIPULATED FOR, THE ANTIQUITIES SHALL FALL WITHIN THE ORDINARY PROVISIONS OF THE LAW, AND BE FORFEITED *simpliciter* TO THE NATIONAL MUSEUM.

To practical research and careful observing exploration of sepulchral or other early memorials, we must ever look to provide the most valuable materials for the sound extension of archaeological science, and the acquisition of comprehensive philosophical views, as opposed to empirical theories, regarding the state and progress of mankind in the distant past. Therefore, it is of marked importance to offer every encouragement for undertakings of this sort. At present, in Scotland, an antiquary may incur any amount of trouble and expense you please, in excavating ancient remains, but the tangible fruits of his labours, the exhumed relics, he retains only on sufferance; and, I suppose, according to a strict morality, he should at once spontaneously deliver them up, since existing law and practice declare them, one and all, to belong to the Crown. Now, these are conditions under which it would not be very reasonable to expect much activity of research, for many, otherwise not unwilling to exert themselves, might fairly hesitate if they were to be immediately deprived of whatever they brought to light. I have, therefore, proposed that every one who sets about an

excavation systematically — of which, compliance with the necessary condition of making previous intimation of intention would be sufficient evidence—shall have full right of property in all relics he may disclose. And although these consequently would not necessarily themselves be lodged in the National Museum, its archives, according to the stipulation laid down, would contain a minute specification of their character; and thus all the archæological data recovered throughout the whole country would be centred in one focus in the most authentic and available form. Nor would a fair and rational measure of this kind tend to do otherwise, in the long-run, than materially increase the National Museum, for, under its operation, antiquities would, with few exceptions, only come to be possessed by men who were, more or less, interested in their teaching, and who, not likely to be indifferent as to the loss of the objects, might, therefore, in all probability, ultimately add them to the public treasures by gift or bequest.

I have suggested that not more than four weeks should be allowed to elapse between the finding of relics and the transmission of an account of the discovery, because the shorter the interval, the more closely accurate are the details likely to be. It will, of course, be understood that this report should be nothing more than the most succinct, though precise, statement of *facts*, and should in no way supersede or interfere with a more elaborate communication to the Society of Antiquaries, or ulterior publication in any shape or form. In short, the object and value of such returns would be to afford a uniform index to all discoveries, and at once, obviating risk, to preserve a record which, as may sometimes happen, accident might prevent an excavator from drawing up at all if altogether postponed until completed in the form which he might wish ultimately to give it.

7. THAT, IN THE EVENT OF SUCH PROVISIONS AS THE FOREGOING BEING CARRIED INTO PRACTICE, ALL POSSIBLE PUBLICITY SHALL BE GIVEN TO THEIR NATURE AND TENOR, ESPECIALLY IN THE RURAL DISTRICTS.

It is needless to point out how this could be done, but one obvious and diffusive channel presents itself in the widely-circulating sheets of the provincial press. A printed copy of what rules it was desirable should be generally known, enclosed in a circular to the editors of the Scottish Journals, would, there is no doubt, receive all the publicity in their power, with, in many cases, useful explanations of the design which the system contemplated.

I have thus endeavoured to define how it is only necessary to modify the legal operation already existing in Scotland, to secure by a process, it may be said entirely inexpensive, the prospect of the greatest benefit to national Archæology, derivable from central control—to secure, in short, all, or nearly all, that could be expected from anything short of the most elaborate scheme of Government supervision. It cannot be necessary to recapitulate the advantages which would be gained, partly negative, by obviating the fears of unconditional seizure, which now impel the finders of antiquities so often to secrete or destroy them ; partly positive, by converting in a manner antagonistic to no existing practice, detrimental to no public interest, a power of the Crown into a thoroughly efficient instrument for accomplishing a national object. Nor does there seem reason to apprehend opposition from any quarter to a reasonable change of this nature. In fact, nearly all the elements of the improvements desiderated have already, as I have indicated, been introduced in embryo or exist in outline, and what we have to wish is only to see them developed to their proper proportions, and carried out to their legitimate consequences. An earnest and distinctly definite attempt, it may not be too sanguine to believe, is alone necessary to obtain recognition of this object and to accomplish its fulfilment, and I venture to think that acquiescence may be fairly expected to follow such a course. Fortunately, too, the requisite changes are not of the fundamental character to create difficulties in the way of carrying them out, even while there might be every disposition to view them favourably ; and indeed

it seems not improbable that simply a Treasury Minute would be sufficient to establish them. But if constitutional requirements specify a more formal procedure, a short Bill included in the annual Government tale would, there can be very little doubt, pass the House of Commons as a matter of course.

And now to bring this long exposition to a practical conclusion, I would beg to propose that the Society appoint a committee of say three members—one at least being a lawyer by profession—to take into consideration, and, in two months, to report upon, the propositions embodied in these pages, and generally upon the whole question with which they deal.¹ Thereafter the Society, possessing the committee's report, and any collateral aids which the interval may bring forth, will be in a position maturely to determine what specific alteration in the Law of Treasure-Trove it should, in the interests of national Archæology, endeavour to have effected: and this decided, I would further propose that, at the earliest expedient opportunity,—which may be expected very shortly to occur,—communication be opened with the Lord Advocate, the Scotch Lord of the Treasury, or the Secretary of the Treasury, according to whosever department it might be found that the matter would belong.

A long and creditable history of past exertion affords a sufficient assurance, that the Society of Antiquaries of Scotland will heartily put forth every effort to obtain modifications of system, which, year by year, would add to the scientific value of that Museum, still under its custody, which for nearly a century it has made many sacrifices to collect and to maintain,—modifications, too, which would impart a more marked significance to the chief feature in the distinctive character of the Society, by

¹ One point of interest which they would not overlook, would be to investigate precisely the validity of the royal claim in its *fullest* assumption, with reference to the hypothetical doubts indicated in a former page; because if professional inquiry arrived at the conclusion, that although not hitherto disputed it *might be* successfully resisted, provision could easily be made in the ultimate movement to obviate the insecurity of founding a plan of procedure on a basis that might not practically be tenable in all cases.

giving to it a central and representative cognizance of every archæological fact brought to light within the limits of the country whose name it bears. And while an intelligent endeavour on the part of those whose tastes or studies bring the subject more directly within their sphere, will not be wanting, we may fairly hope that the time has gone by when, in any quarter from which a rational opinion might be expected, such representations are likely to be regarded as the mere ebullition of a barren enthusiasm, narrow in its vision, insignificant in its aims, unworthy of practical response. For no one whose eyes are not utterly closed to the progress, methods, elements of scientific inquiry, even if the ultimate scope of Archæology be but faintly before him, will be likely to forget the analogies supplied by the whole circle of the sciences, and to say—Is it worth undertaking even this small amount of trouble and expense, to gather a few more relics of stone or of bone, of bronze, of gold, or of clay, mere evidences of social phases that have passed away? He would remember that it could be asked, Is it worth while laboriously collecting fossilized shells, bones, vestiges from the imbedded plateaus of the older world? and the answer might be No, as regards the fossils themselves, or even the proof which each individually affords of the isolated fact that such or such form of life existed on a given spot at an epoch undistinguishably remote: but he would reflect how different the reply, when these, grouped together, and illumined by the collected light of the sparks, so to say, struck from each, become the chief media through which are disclosed almost the primal foundations and the plastic structure of the earth itself. He would remember that it could be asked, Is it worth while groping for corallines in swampy pools? and the answer might be No, with reference to these simple organisms themselves, or to the circumstance that they spent their languid existence in certain *habitats*: but he would reflect how different the reply when from these zoophytes, and such as these, are forged subtle links in the philosophy of vitality, necessary for a just conception of the cyclical harmony of animate and inani-

mate nature. He would remember that it could be asked, Is it worth while dredging the depths of the sea for weeds, shells, sponges? and the answer might be No, estimating these simple marine products in themselves, or as mere manifestations of their presence on certain ocean beds: but he would reflect that the reply could not be doubtful when from these specimens of the *fauna* and *flora* may be constructed a panorama representing in zones and areas the distribution of subaqueous life. He would also remember that it could be asked, Is it worth while elaborately noting and calculating the movements of a few stars, or constructing vast telescopes to resolve, if possible, the more distant nebulae? and the answer might again be No, were the whole anticipated result to centre in the bare demonstration that certain heavenly bodies gyrate at a given speed, and that luminous films in the far-off firmament are clusters of suns: but he would at once perceive that such a question could only emanate from sordid folly or debased apathy when, by investigations like these, humanity can apprehend somewhat of the grander mysteries of omnipotence, and unfold the laws by which a universe is governed. And so with the humble relics of primitive ages. As substantive objects they are scarcely better worth accumulating than so many pebbles from the shore. Even as the records of manners and stages of culture that have prevailed as the preparatory probation to a more perfect civilisation, their importance might only be grudgingly conceded by some. But who will be disposed to deny their value when, from them and such as them, no trifling aid may be expected in dealing with inquiries not less personal or surely less interesting to man than the structural developments of the globe which he inhabits, or the revolutions of the spheres which circle within its lines of vision—inquiries in reality as yet little more than propounded, though sometimes very confidently closed—inquiries respecting the origin, presence, progress, unity or diversity of the human race itself?

It may possibly be true that the world would continue its progressive march if all these grander problems were left un-

attempted, and nothing more were to be cultivated except mechanics, and those portions of the other sciences, supposing them to be separable, which bring under control the available resources of nature. This may, we repeat, be true if progress were estimated solely as a colony of beavers might be conceived to regard the extension of their ingenious abode, and the increasing supply of provender and comfort they thereby secured at the least expenditure of exertion and fatigue. But mankind has long since discovered that true advancement is to be sought not merely in the knowledge which is direct power over matter, but in that which extends over the whole tract of the knowable as widely and as deeply as finite faculties can explore. Nor will the most rigid utilitarian, if he look either to the present or the past, be inclined to dispute that, if the highest intellectual development in a nation be not the charter to the highest internal civilisation and the greatest external influence, it is at least the invariable concomitant of both.

This proposition, however it may be forgotten by an unintelligent few, needs no general inculcation in Great Britain. Already the country has taxed itself for a Geological Survey, whose operations are certainly not restricted to the duties of the old divining-rod. It has established a Royal Observatory whose labours are not confined to correcting chronometers. It maintains, by a princely revenue, a British Museum with a Natural History Department containing something more than animals whose flesh is edible or their skins of economic value,—with Antiquarian Galleries filled with other vestiges besides those which, from beauty or ingenuity, could assist the modern designer. And shall every page on which the Creator and his creatures have unfolded the arcana of the distant and the past, be expensively treasured and zealously scrutinized, save *that* only on which are recorded the ways of God to man in our native land—a small arena, it is true, but the epitome of the whole earth?



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